City of Beverly Hills

Health and Safety Commission
Regular Meeting

March 22, 2010
4:00 PM
City Hall Room 280-A

Enhancing the Health and Safety of Our Community
CITY OF BEVERLY HILLS
City Hall Room 280-A
AGENDA

HEALTH AND SAFETY COMMISSION REGULAR MEETING
March 22, 2010
4:00 p.m.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. COMMISSION MINUTES
   • Consideration of minutes of February 22, 2010.

D. ORAL COMMUNICATIONS FROM THE AUDIENCE
   At this time, members of the public may address the Commission regarding any items
   not on the Agenda that are within the subject matter jurisdiction of the Commission. By
   State law, the Commission may not discuss or vote on items not on the Agenda.

E. REPORT FROM THE CHAIRPERSON
   • Mayor’s Cabinet Meeting – March 10, 2010.
   • Other items of interest.

F. DIRECTOR’S REPORT
   • Report from Myra Lurie, Beverly Hills School District Board Member
   • Information Only:
     a) Ethnicity, Economy and Environment Play Strong Roles in Health Inequities
        Among Women in LA County
     b) Press Release – Emergency Survival Guide is now Available to LA county
        Residents
     c) Quakes in Chile and Haiti Raise Concern about Southland Preparedness /
        Great Southern California Shakeout (attachment under separate cover)
     d) Study of Household Preparedness: Preparing California for Earthquakes
        (attached under separate cover)
     • Other Items

G. NEW BUSINESS
   1. Discussion of Proposal to Regulate Tobacco Sales to Minors in Beverly Hills
   2. April is Earthquake Preparedness Month
   3. Upcoming Calendar Items for Commissioners’ Participation
H. COMMENTS FROM COMMISSIONERS
Commissioners' brief responses to public comments, questions for clarification, brief announcements, request for information, and brief reports on activities.

I. ADJOURNMENT
The meeting was called to order at 4:07 p.m.

A. ROLL CALL
Commissioners Present: Aronberg, Kopeikin, Millan, Judelson, Setian, Vice Chair Landau
Commissioners Absent: Chair Seidel
Chair Seidel arrived at 4:15 p.m.
Staff: P. Mottice Muller, K. Ryan, M. Foxen, D. Chase, M. Roach

Mayor Krasne briefly addressed the Commission, thanking them for their work during her tenure as Mayor this past year.

B. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Commissioner Aronberg.

C. COMMISSION MINUTES
MOVED by Aronberg, SECONDED by Landau to approve the minutes of the meeting on January 25, 2010, with minor change, (7/0)
Ayes: Judelson, Aronberg, Landau, Seidel, Kopeikin, Setian, Millan
Noes: None
Absent: Millan
CARRIED.

D. ORAL COMMUNICATIONS FROM THE AUDIENCE
Anita Zusman-Eddy, Vice President of Economic Development and Government Affairs with the Beverly Hills Chamber of Commerce, addressed the Commission regarding the Proposal to Regulate Tobacco Sales to Minors in Beverly Hills (see “New Business” below).

E. REPORT FROM THE CHAIRPERSON
No health and safety related items to report from meeting.

OTHER ITEMS OF INTEREST - none

F. DIRECTOR’S REPORT
REPORT FROM MYRA LURIE, BEVERLY HILLS SCHOOL DISTRICT BOARD MEMBER
- A parent of a student in the school district, wishes to gain the School Board’s support in bringing back “Walk to School Wednesdays”. Ms. Lurie noted that she intends to bring up this program in her comments at the School Board meeting on Thursday, February 25th. The Commission expressed support of this program.
- Edison will conduct a scheduled power outage on February 22nd from 11:00 p.m. through 6:30 a.m. on February 23rd which will affect some of the school district offices.
REPORT FROM DIRECTOR MOTTICE MULLER

- The Mayoral Installation will take place on March 16, 2010. Email invitations were sent to Commissioners, and hard copy invitations are forthcoming.
- Commissioners were reminded to turn in their Form 700's to the City Clerk's Office by April 1st, 2010.
- On March 16th at 6:30 p.m. in the Library Meeting Room South, at the request of a community member, the Office of Emergency Management and the Police Department will host a community presentation to provide information on emergency preparedness and crime prevention. Commissioners were invited to help present information.

INFORMATION ONLY:

a) Condom Awareness Day — no discussion
b) First Annual Vahagn Setian/Daniel Levian Memorial Blood Drive — Commissioner Setian gave some brief information on the upcoming blood drive.

- Other Items - none

G. NEW BUSINESS

1. NEIGHBORHOOD WATCH – Report from Officer Don Chase & Sgt. Mike Foxen

There will be four Neighborhood Watch meetings this year: April 21, April 29, May 4, and May 10. All meetings will take place in the evening in the Library Auditorium. Outreach will be done through local newspapers, the City's website, and PSA's. Topics for this year's Neighborhood Watch Program are:

- Social Media and Internet Safety - Discussion on safety use of social media and the internet, with a focus on children.
- Census Update - Information on the safety and security surrounding the census.
- Distraction Crimes - How not to be a victim of these types of crimes.

The Police Department will try to find new block captains through these meetings, and information on how to be a block captain will be given to any volunteers. Commissioners agreed to attend each meeting.

Chair Seidel pointed out that one of the Commission's Work Plan items for 2010-11 is to enhance the current Neighborhood Watch Program. Sergeant Foxen and Officer Chase expressed their appreciation.

1. STATUS OF CERT – Report from Chief Greg Barton

Chief Greg Barton gave a brief history of Beverly Hills' CERT program. The program began in 2000 and has since trained approximately 400 residents. CERT was cut as a part of the Fire Department's budget reduction from the Fire Department's budget this Fiscal Year, and there are currently no plans to reinstate the program. Chief Barton stated that the program is important to the Fire Department and they will add it back once the budget situation improves. Chief Barton explained that a goal of the Fire Department is to put CERT information or "reminders" onto the City's website. Commissioners commented on the importance and value of this program. Commissioner Millan asked if there was another city that currently hold CERT classes that could be recommended, Chief Barton responded that many cities currently have programs, but they are for their own residents.

2. PROPOSAL TO REGULATE TOBACCO SALES TO MINORS IN BEVERLY HILLS

Megan Roach, Senior Management Analyst, presented this item.

This item was discussed by the City Council at their February 2, 2010 Study Session Meeting. The City Council received a request from California State Senator Alex Padilla encouraging cities to adopt a local ordinance prohibiting and/or restricting the sale of
tobacco near schools. At the Study Session, Council directed the Health and Safety Commission to consider two options for expanding the City’s anti-smoking commitment, particularly as it relates to youth and school-age children. Council also directed the Commission to make a recommendation at a future City Council meeting on which option Council should pursue. The two options provided by Staff to the City Council are an Expanded Zoning Ordinance and a Tobacco Retailer Regulatory Permit Ordinance. An Expanded Zoning Ordinance would prohibit the sale of tobacco within a designated area surrounding schools. Senator Padilla’s recommendation prohibits the sale of tobacco products within 600 feet of a school. This option would require review and input by the City’s Planning Commission. A Tobacco Retailer Regulatory Permit Ordinance would create a Program to license, monitor and enforce a local tobacco ordinance by requiring retailers to obtain a city license to sell tobacco products. Should a retailer be found selling tobacco products to minors, a series of local penalties could apply, which could eventually result in the suspension or revocation of the retailing license. Fees generated from the Program would fund annual monitoring and enforcement efforts. The Commission will be provided more detailed information on both options at the March 22nd meeting. In the meantime the City and Chamber of Commerce will reach out to the business community for input on the options.

The Commission asked Staff to research the following items to be followed up on at the March 22nd meeting:

- Can the regulatory permit be structured as non cost-recovery, or partial cost-recovery?
- Can the City’s Police Department enforce and prosecute violations through existing state law without establishing a separate, local permit? Would this result in a fine to the cashier or to the business?
- In addition to the LA County Dept of Public Health study, additional research needs to be done and data acquired to determine if the sale of tobacco to minors in Beverly Hills is a widespread problem. The Commission would also like staff to obtain the raw data from the Dept of Public Health survey.
- Is there a standard businesses follow to ID people for the sale of tobacco, similar to the one that exists for the sale of alcohol (i.e. "We ID anyone that looks under 30")?
- Can we build in a standard like this into the regulatory permit ordinance language?
- Staff shall provide the Commission with a map of tobacco retailers within 600 feet of schools.
- Can we do a combination of a zoning ordinance and a regulatory permit?
- How does the Lung Association determine a City’s rating? What are the criteria used?
- What does Vice Mayor Delshad mean by “grandfathering”?
- What does Councilmember Brien mean by “1 strike vs. 3 strikes”?
- Review the scientific reference that ‘the closer a tobacco retailer is to a school the more likely they are to sell tobacco products to minors’, including any conflict of interest of those participating in the surveys.

Anita Zusman-Eddy, Vice President of Economic Development and Government Affairs with the Beverly Hills Chamber of Commerce, addressed the Commission regarding this issue. Ms. Zusman-Eddy informed the Commission that each of the tobacco retailers in Beverly Hills will be invited to a meeting to be held on Monday, March 15th at 3:00 p.m. in the Library Auditorium. Each of the possible options to regulate tobacco sales to minors will be presented at this meeting and the retailers will have the opportunity to give feedback and ask questions.
Ms. Zusman-Eddy said that the Beverly Hills Chamber of Commerce wishes to support not selling tobacco products to minors, but also does not want the result of the Council's decision to financially burden the tobacco retailers, many of which are small businesses.

Director Mottice Muller explained to the Commission that Code Enforcement or the Police Department would enforce the new regulation, but there would be financial considerations for each. The Commission expressed concern that Code Enforcement could not effectively enforce this, and all Commissioners agreed that they would prefer that the Police Department provide enforcement.

At the March 22nd meeting, research will be presented to the Commission on the items on which the Commission asked for clarification or more information. The results of the March 15th meeting with the tobacco retailers will also be given to the Commission. The Commission will then consider all information and make a recommendation on this subject at the March or April meeting.

3. WORK PLAN FY 2010-11 - no discussion.

4. HEALTH AND SAFETY AWARDS
   Office of Emergency Management Intern, Jessica Barcellona, presented this item to the Commission. The Community Health and Safety Award Ad Hoc Committee consisting of Commissioners Kopeikin and Judelson met on February 16th to develop the nomination form and criteria for the awards. The Commission will decide exactly what the award given will be at a later date (plaque, gift certificate, certificate of recognition). A timeline of the awards process is as follows:
   - Begin promotion/PR of the award in June
   - Deadline for nomination forms will be September 30th
   - Commission will review nomination forms and select recipient at October 25 meeting
   - Recognition of recipient at November 22 meeting

   The Commission agreed that with a few minor changes, the proposed nomination form is ready to be distributed.

H. COMMENTS FROM COMMISSIONERS
   • Following a newspaper editorial on City commissions, Commissioners suggested that following each meeting, the Communication Office send a list of three bullet points about important issues discussed to the local newspapers to keep the media informed on what the Commission is doing.
   • Vice Chair Landau noted that there will be a DUI checkpoint on Saturday, February 27th at 10 p.m. at Sunset and Sierra.

I. ADJOURNMENT
   There being no further business, Chair Seidel, with the consent of the Commission, adjourned the meeting at 7:30 p.m.

PASSED, Approved and Adopted
This _______ of ________________, 2010

_____________________________________
David Seidel, Chair
Ethnicity, economy and environment play strong roles in health inequities among women in LA County

New report on women’s health highlights unique health care needs and challenges

LOS ANGELES – There are large disparities in health, health risks, and preventable disease among different groups of women in Los Angeles County, according to a new report titled Health Indicators for Women in Los Angeles County: Highlighting Disparities by Ethnicity and Poverty Level. Overall, African American women have the poorest health, but other racial and ethnic groups each bear disproportionate burdens for some risk factors and/or diseases. The report, compiled by the Department of Public Health’s Office of Women’s Health and Office of Health Assessment and Epidemiology, contains the latest data on access to health care, health behavior, social and physical environment, and incidence and mortality rates. It also shows that women have unique health care needs reflective of their complex and challenging socioeconomic status and biological makeup.

“Women often make the health care decisions for their families and are the primary caregivers when a family member falls ill. Therefore, the health of women affects not only the individual, but her family and her community,” said Jonathan E. Fielding, MD, MPH, Director of Public Health and Health Officer. “Reports such as this present relevant data on health inequities among women that will drive policies, programs and initiatives to address the most pressing needs. By creating awareness of the impact of health inequities on women, their families and their communities, strategies can be devised to begin closing those gaps.”

Based on recommendations from the 2007 Los Angeles County Women’s Health Policy Summit, the Health Indicators for Women in Los Angeles County: Highlighting Disparities by Ethnicity and Poverty Level report also focuses on issues unique to women 65 years and older, women with a disability, women with different sexual orientations, and the effect of insurance status on women’s health.

“This report is meant to inform key stakeholders, legislators, decision-makers, and funders on the priority areas of women’s health, and assist in the building of multi-cultural women’s health policies, programs and services,” said Ellen Eidem, MS, Director, Los Angeles County Department of Public Health Office of Women’s Health. “Working together, we can address the inequities in women’s health and ultimately improve the health of all women.”

Among the report’s findings:

- African American women have far higher mortality rates from many chronic diseases. For example, whites have a higher incidence of breast cancer but African Americans have the highest mortality rate. Yet African Americans report better access to health care and higher self-rated health. Emerging evidence shows that factors such as racial inequality, discrimination, and stress may be important contributors to these and other health disparities.
• Latinas report the poorest self-rated health status among all ethnic groups. In addition, compared to all other groups, they report poorer access to care with over a third lacking health insurance, and 40% reporting difficulty accessing medical care. Contributing factors include a high level of poverty and low level of education. Latinas had disproportionately higher death rates from diabetes with 31 per 100,000, compared to 21 per 100,000 for all women in Los Angeles County.

• Asian/Pacific Islander women report low rates of preventive services and having a regular source of care. Although this has not translated to poorer health outcomes, it points to the unique cultural and linguistic barriers that Asian/Pacific Islander women face in accessing health care and serves as a sign of potential worsening disparities in the coming years.

• Socio-economic status or poverty level is directly linked to health outcomes and a significant source of health disparities. Women living in households less than 100% of the federal poverty level (FPL) are four times more likely to report fair or poor health status, compared to women living at or greater than 300% FPL.

• 41% of women aged 65 years and older report living with a disability.

• Nearly 25% of women 65 years and older living in households with income less than 200% of the federal poverty level report being food insecure (inability to afford enough food).

• 70% of lesbian and bisexual women report discrimination due to sexual orientation. Almost 24% of lesbian and bisexual women reported being diagnosed with major depression in the past year compared to 11% of heterosexual women.

• Women with disabilities are more likely to experience violence and have higher rates of obesity, diabetes and frequent mental distress.

• A lower percentage of uninsured women (54%) had a mammogram in the past 2 years compared to 68% of women with Medi-Cal and 79% of women with private insurance.

About the report:
The full 2010 report is available online at http://publichealthe.lacounty.gov/owh/.

Data sources for the report include the LA County Health Survey, other Public Health Department programs, California Health Interview Survey, the LA County Cancer Surveillance Program, and the California Quality of Life Survey II (Cal-QOL2).

A panel discussion was held on Wednesday, March 3, 2010, highlighting the good and bad news regarding women's health in Los Angeles County, as well as strategies, initiatives and programs that focus on reducing disparities across ethnic and geographic lines. Participants included:
• Jonathan E. Fielding, MD, MPH, director of Public Health and Health Officer for Los Angeles County;
• Marjorie Kagawa-Singer, PhD, RN, professor, UCLA School of Public Health and Department of Asian-American Studies;
• Vickie Mays, PhD, MSPH, professor, Department of Psychology and Health Services, UCLA School of Public Health, director of the UCLA Center on Research, Education, Training and Strategic Communications on Minority Health Disparities;
• Beatriz Solis, PhD, MPH, director, Healthy Communities South Region, The California Endowment;
• Rita Singhal, MD, MPH, medical director of the Office of Women’s Health.

The Department of Public Health is committed to protecting and improving the health of the nearly 10 million residents of Los Angeles County. Through a variety of programs, community partnerships and services, Public Health oversees environmental health, disease control, and community and family health. Public Health comprises more than 4,000 employees and has an annual budget exceeding $750 million. To learn more about Public Health and the work we do, please visit http://www.publichealth.lacounty.gov, visit our YouTube channel at http://www.youtube.com/lapublichealth, or follow us on Twitter: @LAPublicHealth.

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PRESS RELEASE

FOR IMMEDIATE RELEASE

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EMERGENCY SURVIVAL GUIDE IS NOW AVAILABLE TO L.A. COUNTY RESIDENTS

LOS ANGELES (Thu., March 4, 2010) – In less than a year, Los Angeles County residents have faced earthquakes, floods, wild fires, debris and mud flows, mudslides, winter storms, pandemic flu, and the effects of a tsunami.

In coordination with the Los Angeles County Board of Supervisors, the Office of Emergency Management has prepared a comprehensive guide to emergency preparedness intended to help the residents of Los Angeles County better prepare for, respond to, and recover from disasters.

The Emergency Survival Guide has 100 color pages of helpful tips and information for residents to prepare for fires, floods, earthquakes, pandemic flu, terrorism, extreme weather, and tsunamis. There is space to record household emergency plans including out-of-state contacts, family evacuation gathering points, and the location of utility shut-offs. The Emergency Survival Guide also includes checklists for gathering emergency supplies that will help individuals, families, pet owners, businesses and communities survive and recover after a major disaster.

The Emergency Survival Guide is available online at http://lacounty.gov. Additional information on preparing for disasters is also available on-line at www.espfocus.org.

Residents and business owners, including persons with access and functional needs may also call 211 LA County for emergency preparedness information and other referral services. The toll-free 2-1-1 number is available 24 hours a day and seven days a week. 211 LA County services can also be accessed by visiting http://211la.org.

# # #
Quakes in Chile and Haiti raise concerns about Southland preparedness

There hasn't been a major temblor in the region since 1994, and a recent survey found that even those who have received earthquake training are not as prepared as they should be.

By Cara Mia DiMassa

March 4, 2010

For all the attention generated by the massive earthquakes in Haiti and Chile, experts in California remain skeptical that residents of this quake-prone region are any better prepared for the inevitable Big One.

California saw a rise in quake awareness and retrofitting after the state recorded a series of major temblors over seven years: Whittier in 1987, Loma Prieta in 1989 and Northridge in 1994. But there hasn't been a devastating temblor in the state since the Northridge quake, and experts are concerned that quake preparedness may have declined in recent years.

A recent survey by the Norman Lear Center at USC found that even those who have received earthquake education are not as prepared as they should be.

California has tried to raise awareness of quake dangers by holding an annual drill called the Great California ShakeOut. In the drill's first year, in 2008, thousands of participants played out what would happen in the event that a magnitude 7.8 quake struck along the San Andreas fault.

But the USC survey found that the majority of those participants still were not fully prepared for a quake and many have had inaccurate or out-of-date information about what to do in the event of a major temblor.

"We were surprised at how many people who had signed up for the drill were still answering those questions badly," said Johanna Blakley, deputy director of the Lear Center.

Blakley said that messages about what to do during a quake can be confusing. That is in part because earthquake preparedness comes with a host of messages, including calls for families to "get a plan," and for people to "drop, cover and hold on" when the ground is shaking.

In addition, many Southern Californians grew up with information that is now outdated. A suggestion to
take cover under a doorway, once fairly common, is now considered applicable only to people in adobe structures. Everyone else should drop, cover and hold on, experts say, taking shelter under a sturdy desk or table, and holding on to one of its legs.

After the Northridge quake, residents across Southern California stocked up on supplies, bought earthquake kits, bolted down some vulnerable furniture and created family reunification plans.

But emergency services officials said they worry that Southern Californians have lost that sense of urgency, particularly as people change residences and forget to refresh supplies.

Chris Ipsen, an emergency preparedness coordinator for the city of Los Angeles, said that too often, people think that the government is going to take care of them when disaster strikes. But he said that's a false assumption.

"They may be stuck, there may be no responders able to get to them, the roads may be out... and then they realize, 'No one is coming to take care of me,' " he said.

The 8.8 Chilean quake is probably stronger than the Big One long expected to hit along the San Andreas. But a major California quake could do more damage because it would probably occur closer to population centers.

"Earthquakes really destroy the basic infrastructure of our society, especially in urban regions" said Tom Jordan, director of the Southern California Earthquake Center.

Because of the region's vast population and its sprawl, it's even more important for the infrastructure to be able to recover quickly, he said. That includes water distribution, power grids, roads and other methods of transportation. "We depend so much, in a place like Los Angeles, and Southern California, that it can be brought back into a functioning state as quickly as possible," Jordan said.

Sherry Heitz, the chief executive of Moorpark-based QuakeKare, which sells earthquake-preparedness kits, said that she has seen a bump in business in the wake of the Haiti and Chile quakes.

"The reality sets in when you see these poor people," Heitz said. "We can identify with them now. We can see this happening here, in L.A. It's such a vast area, and the type of earthquake that could happen here would stretch so many miles. While we have the rescue infrastructure, Los Angeles is so spread out. We really could be on our own for quite a long time."

Though California, like Chile, has stringent building codes that could preclude the high death toll seen in Haiti as a result of poor building construction, the ultimate price of a strong quake could be economic, Jordan said. In the simulated drill of the first Great ShakeOut, the 7.8 quake scenario came with a $200-billion price tag.

And that's why he believes that the ShakeOut drills are important.

He said he hopes that with each year, Californians will be more aware of what needs to be done.

"Part of the purpose of running ShakeOut exercises is to understand how the hammer blow of a large earthquake would fall, and how do we keep it from shattering our infrastructure, how do we make it more robust so that when these things happen, we rebound and recover as quickly as possible," Jordan said.
INTRODUCTION

At the February 22nd Health and Safety Commission meeting, staff presented information on tobacco control options near schools. The Commission was shown the City Council's discussion of this item from the February 2nd Study Session, which includes two principal options for expanding the city's anti-smoking commitment, particularly as it relates to youth and school-age children. The two principal options are an expanded zoning ordinance and a tobacco retailer regulatory permit ordinance.

DISCUSSION

The Commission discussed the options and asked staff to research the following items for today's meeting:

- Can the regulatory permit be structured as non cost-recovery, or partial cost-recovery?

  Yes. A permit can be structured as either non cost-recovery or partial cost-recovery. However, in light of the existing economic climate and the City's budget situation, staff recommends a cost-recoverable tobacco retailer regulatory permit.

- Can the City's Police Department enforce and prosecute violations through existing state law without establishing a separate, local permit? Would this result in a fine to the cashier or to the business?
Yes. The City's Police Department can enforce and prosecute violations through existing state law. However, the City is unable to recover costs associated with these enforcement activities.

Two California laws prohibit selling tobacco to minors: Penal Code Section 308 and the Stop Tobacco Access to Kids Enforcement (STAKE) Act. Local law enforcement agencies enforce Penal Code Section 308 and the Food and Drug Branch of the California Department of Health Services enforces the STAKE Act.

Under Penal Code Section 308 it is a crime to sell, give, or in any way supply tobacco products and paraphernalia to minors. Storeowners and/or clerks who break the law may be charged with a misdemeanor or may be fined: $200 for the first violation, $500 for the second violation, and $1,000 for the third violation.

- In addition to the Los Angeles County Dept of Public Health study, additional research needs to be done and data acquired to determine if the sale of tobacco to minors in Beverly Hills is a widespread problem. The Commission would also like to staff to obtain the raw data from the Dept of Public Health survey.

Staff inquired with the Los Angeles County Department of Public Health to obtain raw data from the April 2009 survey. As of writing this report, staff has not received the data. Staff has asked the Beverly Hills School District liaison to provide a report on their research at the Commission’s April meeting. Additionally, staff researched the success of local permits and enforcement operations in reducing the sale of tobacco to minors and that information is contained in Attachment 1.

- Is there a standard businesses follow to ID people for the sale of tobacco, similar to the one that exists for the sale of alcohol (i.e. “We ID anyone that looks under 30")?

Yes. The general rule for store clerks is to ask customers that look younger than 27 years old for IDs and to check birthdates carefully. Please see Attachment 2 for more information on laws about selling tobacco to minors.

- Can we build in a standard like this into the regulatory permit ordinance language?

Yes. The Commission may recommend to the City Council draft language to be included in the ordinance. Attachment 3 is the City of South Pasadena's tobacco retailer permit law, which is considered a strong local tobacco licensing law by The Center for Tobacco Policy & Organizing. To be considered “strong”, a local tobacco licensing law must contain the following four components:

- Requirements that all retailers that sell tobacco products must obtain a license and renew it annually.
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated.
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license.
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

- Staff shall provide the Commission with a map of tobacco retailers within 600 feet of schools.

Please see Attachment 4. Currently there are seven retailers located within 600 feet of schools. Their addresses are listed below.

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<thead>
<tr>
<th>No</th>
<th>Address</th>
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<tbody>
<tr>
<td>1</td>
<td>9153 OLYMPIC BLVD</td>
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<tr>
<td>2</td>
<td>391 S ROBERTSON BLVD</td>
</tr>
<tr>
<td>3</td>
<td>8730 WILSHIRE BLVD</td>
</tr>
<tr>
<td>4</td>
<td>132 N ROBERTSON BLVD</td>
</tr>
<tr>
<td>5</td>
<td>9533 S SANTA MONICA BLVD</td>
</tr>
<tr>
<td>6</td>
<td>461 N BEDFORD DR</td>
</tr>
<tr>
<td>7</td>
<td>9777 WILSHIRE BLVD</td>
</tr>
</tbody>
</table>

- Can we do a combination of a zoning ordinance and a regulatory permit?

Yes. As an example, the City of Los Angeles implemented a tobacco retailer’s permit in May 2000. In February 2010 the City adopted a zoning ordinance restricting the sale of tobacco within 600 feet of schools.

- How does the Lung Association determine a City’s rating? What are the criteria used?

Please see Attachment 5 for the American Lung Association’s criteria for local grades.

- What does Vice Mayor Delshed mean by “grandfathering”?

Vice Mayor Delshed was referring to the zoning ordinance option when he used the term “grandfather”. Should a zoning ordinance be adopted, it would grandfather-in existing tobacco retailers in close proximity to schools. These tobacco retailers would be required to obtain a conditional use permit to sell tobacco near schools.

- What does Councilmember Brien mean by “1 strike vs. 3 strikes”?

Councilmember Brien was referring to Senator Padilla’s letter that includes the statement “Three Strikes and You’re Out”. Senator Padilla recommends
a business have their license revoked when they receive a third violation for selling tobacco to minors. Councilmember Brien stated that he would like to see a license revoked after the first violation of selling tobacco to minors.

- Review the scientific reference that ‘the closer a tobacco retailer is to a school the more likely they are to sell tobacco products to minors’, including any conflict of interest of those participating in the surveys.

In November 1988, California voters approved Proposition 99, “The Tobacco Tax and Health Protection Act of 1988”, which instituted a 25c-per-pack cigarette surtax. Proposition 99 specified that the Research Account should be used to fund research on tobacco-related diseases in California.

The Legislature asked the University of California to establish and administer a research program to facilitate the elimination of smoking in California. Research supported by TRDRP funds have been targeted towards studies that enhance the understanding of the causes of tobacco-related diseases, and that lead to the development of more effective interventions for their prevention and treatment.

A 2004 study by TRDRP found that 33 percent of tobacco sales to minors take place within 1,000 feet of schools.

In addition to the follow up research, staff held a public meeting with the tobacco retailers on March 15th to solicit their comments on the two principal options currently under review by the Commission. Staff sent a letter to the fifty-two tobacco retailers in the city inviting them to attend the meeting. Four of the fifty-two tobacco retailers attended. There was general consensus among the retailers that the permit option is the most practical and least burdensome option, assuming the permit fee is reasonable.

On March 18th, a meeting was held with staff from the City’s Police Department, Code Enforcement and Finance Divisions to discuss how the zoning ordinance and retailer permit options would be administered including the level of enforcement activities and which department would be responsible for the enforcement. Staff will provide the Commission with an update on this discussion at today’s meeting.

RECOMMENDATION

It is recommended that the Commission review the information contained in this report, including the attachments, and provide direction to staff on how to proceed.
Becoming a Policy Wonk on Local Tobacco Retailer Licensing: Answers to Tough Questions from Opponents and Elected Officials

May 2009

Communities and coalitions working on tobacco retailer licensing campaigns will likely need to answer questions from opponents and elected officials about the effectiveness and necessity of strong local tobacco retailer licensing ordinances. Below are some common questions which have arisen in several local licensing campaigns. The suggested answers are meant to help effectively address opponents’ arguments against a tobacco retailer licensing ordinance. For more materials on licensing ordinances, visit the Center’s website at www.Center4TobaccoPolicy.org/localpolicies-licensing.

Why do we need a local licensing law? Aren’t there state laws on licensing?

There is a state licensing law, but it does not effectively address reducing illegal tobacco sales to minors. The Cigarette and Tobacco Products Licensing Act (passed in 2003 as AB 71, Section 22970 et seq, B&P Code) created a statewide licensing program administered by the Board of Equalization that requires retailers to purchase a one-time state license. However, this bill was enacted to prevent smuggling and does little to reduce underage sales. Penalties for violating the statewide license are also so weak that retailers are at little risk of losing their licenses if they violate the law. In addition to the statewide licensing law, Penal Code §308 and the STAKE (Stop Tobacco Access to Kids Enforcement) Act make it illegal to sell tobacco to minors. However, the STAKE program can only do compliance checks annually in about 3% of stores that sell tobacco. Local licensing is essential if your community really wants to address the issue of underage tobacco sales, and on the positive side, the statewide licensing law does not preempt these local ordinances.

Do businesses have to get licenses for other things, or is licensing tobacco sales an unusual requirement?

It is customary for businesses in California to obtain some kind of permit or license in order to conduct business, sell products or offer services. These general business licenses and permits generally require an annual fee or payment. It is not unusual for local governments to require additional special permits for businesses that provide specialized services.

Is it legal to require a retailer to pay for a tobacco license from the state and from a city or county?

It is legal and fair. The two license fees pay for two different enforcement programs - the state fee pays to combat smuggling and black market cigarettes while a local fee would pay to prevent sales to youth. These fees cover the costs to regulate tobacco sales; they are not punishment for selling tobacco.

Furthermore, the state tobacco license fee is only a one-time $100 fee. Many other businesses in California must pay much larger license fees for the privilege of conducting their businesses. Examples of these fees include:

- State Liquor License for stores that sell beer, wine and spirits for consumption off premises: original fee – $12,000; annual renewal fee – $507.
- State Gambling License: original fee – $500; annual renewal fee – $500 and an additional fee based on the number of tables in the facility.
- State Pharmacy License: original fee – $400 application; annual renewal fee – $250

The requirement to obtain both a local and a state license is also not unique to tobacco retailers. For example, gambling facilities in California must have both a state and local license. Many cities also require certain professionals (contractors, attorneys, dentists, engineers, insurance brokers, physicians, real estate brokers, etc.) to obtain a local license in addition to required state licenses.

Are licensing and enforcement operations really successful in reducing youth access to tobacco?

Enforcement programs DO work, but they must be funded! A recent report by the California Tobacco Control Program found that cities and counties that have a strong local ordinance conduct four times as many decoy operations as jurisdictions without a strong ordinance. In addition, jurisdictions with a strong local ordinance have seen their youth access rates fall dramatically (illegal tobacco sales rates are determined by youth purchase surveys administered by local health agencies).

- Berkeley: $427 annual fee; adopted December 2002; rates dropped from 38% to 4.2%
- Coachella: $350 annual fee; adopted July 2007; rates dropped from 69% to 11%
- Elk Grove: $270 annual fee; adopted September 2004; rates dropped from 17% to 0%
- San Luis Obispo: $255 annual fee; adopted August 2003; rates dropped from 17% to 0%
Shouldn’t communities wait until the economy improves to create a new fee on tobacco retailers?  

No, protecting minors from the harmful effects of tobacco should not have to wait. The consequences of not protecting kids from tobacco are too great when 36,600 youth in California become smokers each year. In addition, these fees are not a burden for tobacco retailers. According to the National Association of Convenience Stores (NACS), cigarettes are the top product sold inside stores. The NACS 2008 State of the Industry Report shows that in 2007, cigarettes accounted for 32.93% of all in-store sales and generated average sales of $498,780 per convenience store. Retailers are worried about lost sales if their license is revoked for selling to minors, not about affording the annual license fee. This is why licensing ordinances with fees and strong enforcement are effective at reducing sales to minors. And the bottom line is, if a retailer does not sell to youth, they have nothing to worry about.

What’s the difference between a tax on retailers and a fee?  

A fee can only be used to pay for the costs of the program for which it is being assessed. The fee revenue cannot be used for any other purpose. A tax on retailers might be used for any purpose, but a tobacco retailer license fee can only be used to pay for administration and enforcement of the license provisions. A tobacco retailer license fee is limited by the costs of administering and enforcing the license provisions. Such licenses and fees are common for businesses which sell potentially dangerous products.

Would the state eventually pass a stricter licensing law? Why should we pass an ordinance that could eventually get preempted by state legislation?  

There is a lot of uncertainty about whether a new statewide licensing law will pass and what the benefits would be if it did. It is likely that such a law would still be weaker than local ordinances and it is unclear whether such a law would be effective at reducing illegal sales to youth. In addition, a state law would likely contain non preemption language so that these stronger local laws could still be in effect. Finally, enforcement of a state law would not be as thorough as enforcement that is done by local agencies funded by a local licensing fee because of the sheer magnitude of the state. Only a local licensing law can provide the funding and administration to effectively check most or even all retailers in the jurisdiction for compliance.

Aren’t trainings done by retailers and the “We Card” program effective at reducing sales to youth?  

Research has shown that merely educating storeowners and clerks about illegal tobacco sales does not reduce tobacco sales to children over time. Studies also show that the tobacco industry’s own “We Card” merchant education and signage program does not decrease tobacco sales to minors. In order to effectively combat the problem of illegal sales to minors, communities need to pass local licensing laws with (1) an annual fee and (2) funds for enforcement programs.

Why not just require those who violate the law to get licenses?  

The California Grocers Association (CGA) frequently uses this argument. They claim that all of their members are law-abiding and shouldn’t be “punished” by having to get a license. However, youth purchase surveys show that grocers do sell tobacco products to kids. Also, licensing fees, as discussed above, are not a punishment, but rather cover the costs of enforcing public health regulations. The fines and suspensions for selling tobacco to minors is the punishment and those are only applied to violators of the license. Retailers reap significant financial benefits from selling tobacco and it is fair to require them to pay a small amount to enforce tobacco regulations.

In addition, a licensing fee that is only paid by violators would be unsustainable. The funds would steadily decrease because fewer stores would be checked each year and thus fewer violators would be found each year. The whole point of the licensing fee is to have enough money to fund consistent enforcement to do compliance checks on most, if not all, retailers in the jurisdiction annually. Just because a store doesn’t sell to minors one time, doesn’t mean they never make illegal sales.

Why not use Master Settlement Agreement (MSA) monies or other funds to pay for the enforcement?  

First, MSA funds and monies from the general fund are not sustainable and could be taken away from the enforcement program at a later date. An annual fee on retailers is the only way to ensure that there will be a stable supply of money for enforcement that cannot be used to pay for other priorities. Secondly, it makes sense to require retailers to pay a licensing fee to verify that the laws are being followed by the retailers when they engage in the lucrative business of selling cigarettes. Having the fee set high enough to cover enforcement will provide a consistent amount of money available to enforce tobacco regulations.

Isn’t it really clerks who should be punished if they sell to minors?  

Clerks are already punished under Penal Code §308, but this provision has not been effective at reducing illegal sales. Storeowners claim that mistakes are made because clerks are very busy and can’t check everyone’s ID. This is an argument that would be unacceptable for illegal alcohol, gun or ammunition sales and should be just as unacceptable for illegal tobacco sales. The fact is that storeowners, not clerks, are responsible for what happens in their stores. They must train clerks to ask for ID and must enforce minimum age requirements, even during busy times.

Won’t kids just get cigarettes from their parents or friends? How does licensing prevent that?  

Retailer licensing can’t eliminate all of the sources minors use to obtain tobacco. But illegal sales to minors are a big part of the problem. This is a public health problem, and tobacco retailers need to be part of the solution. That can only happen through strong local licensing laws.
Dear Business Owner:

This brochure contains basic information on several state tobacco control laws that affect retail businesses. Words in bold type are defined in the glossary.

Information is also available on the Internet at

- www.leginfo.ca.gov/calaw.html
- caag.state.ca.us/tobacco
- www.boe.ca.gov

Your local health department can advise you of local tobacco control laws that affect your business.

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At a Glance—
How to Comply with the Laws

When you get a tobacco retail license, you must

- DISPLAY your license so your customers can see it.
- KEEP complete, readable purchase invoices for cigarettes and tobacco products for four years.
- KEEP purchase invoices for cigarette and tobacco products in the same store where the purchased items are being sold for at least one year after the date of purchase.
- HAVE your cigarette and tobacco products purchase invoices available for review by California State Board of Equalization (BOE) staff or law enforcement officers.

How to prevent tobacco sales to minors

- MAKE SURE your employees always ask customers who look younger than 27 years old for IDs and check the birthdates carefully.
- ACCEPT only valid government-issued photo IDs (driver’s license, state ID, passport, military ID).

When you train employees to prevent tobacco sales to minors

- TRAIN all your employees who sell tobacco products so that they understand all the laws and company rules about selling tobacco products. Also include training on the health-related reasons to not sell tobacco products to minors.
- TEACH employees how to check for age. Have them practice how to figure out someone’s age from an ID. Also teach them how to act and what to say when they have to refuse to sell to someone.
- PROVIDE more training if any employee breaks the law or store rules.
- GIVE employees written copies of the tobacco laws and store rules. Have them sign the copies to show that they have read and understood them.

How can you help employees comply with the law?

- POST the required Stop Tobacco Access to Kids Enforcement (STAKE) Act age-of-sale warning signs. Also post signs to remind employees and inform customers that anyone who looks under age 27 will be asked for ID.
KEEP aids at the checkout or register to help employees figure out age (calendars, register prompts, electronic ID scanning system, etc.).

Be sure you are complying with the laws!
- NO tobacco products or tobacco paraphernalia sold to anyone under age 18
- NO self-service display of tobacco products or paraphernalia (with limited exceptions for cigars in tobacco-only stores)
- NO sales of cigarette packs with less than 20 cigarettes or single cigarettes
- NO tobacco samples in your store (with limited exceptions)
- NO sales of bidis in businesses that allow minors
- NO tobacco vending machines where minors are allowed

License Requirements

**California Cigarette and Tobacco Products Licensing Act of 2003**

Under the *Cigarette and Tobacco Products Licensing Act of 2003*, businesses in California that sell cigarettes and other tobacco products to the public must have a California Cigarette and Tobacco Products License. This is true even if you have a seller's permit, or other permits or licenses issued by the BOE or a local government.

**WHO is required to have a license?**

Starting June 30, 2004, sellers of cigarettes and other tobacco products in California must have a license to sell cigarettes or tobacco products to the public from a building or vending machine. You must have a separate license for each building or vending machine. Whenever you add a new location where you sell tobacco products, you must get a separate license for that location.

**Note:** If you operate your business from a catering truck, lunch wagon, or other movable vehicle or location, you do **not** qualify for a license and cannot sell cigarettes or tobacco products in California.

You must obtain a distributor's license if you buy cigarettes or tobacco products from an out-of-state seller who is not licensed under this Act. You must get a wholesaler's license if you buy tax-paid cigarettes or tobacco products for resale. Either license costs $1000 per year for each location where you sell or distribute tobacco products.
HOW much does a state tobacco license cost?
There is a one-time fee of $100 for each license for each building or vending machine where you sell cigarettes or tobacco products to the public. A license is good for one year and must be renewed every year. You do not have to pay a fee to renew the state license.

HOW do I get a state tobacco license?
Complete and submit an Application for Retailer's Cigarette and Tobacco Products License (form BOE-400-LR). To get the application, call the Board of Equalization (BOE) Information Center at (800) 400-7115. You can also download the application from the BOE website at www.boe.ca.gov/sptaxprog/sptaxforms.htm

Note: In addition to the state licensing requirement for retail tobacco sales, many city and county governments have additional licensing requirements. Check with your local business license department for more information.

✔ As a license holder, you must
- DISPLAY your license where the public can easily read it. Failure to do so is an automatic fine of $500. Your license may also be taken away temporarily or permanently.
- KEEP complete and readable purchase invoices for cigarettes and tobacco products for four years. Failure to do so may result in a fine of up to $5,000 and/or imprisonment for up to one year in a county jail. Keep these invoices at each licensed location where you are selling the tobacco products for at least one year after the purchase date.
- LET BOE staff or law enforcement officers see your cigarette and tobacco products purchase invoices when they ask you for them. The law also allows BOE staff and law enforcement officers to take any untaxed cigarettes and tobacco products, including cigarettes without stamps or with counterfeit tax stamps. If you refuse to allow an inspection, you are breaking the law and may be fined.

Purchase Invoice Requirements
The invoices you get from wholesalers and distributors licensed under the Cigarette and Tobacco Products Licensing Act of 2003 must have the following information:
- The name of the wholesaler or distributor who sold you the cigarettes or tobacco products
- The address, telephone number, and license number of the wholesaler or distributor
- The amount of excise tax paid to the BOE. An invoice must say that all California cigarette and tobacco product taxes are included in the total amount of this invoice.
- Retailer's name, address, and license number
- An itemized list of the products sold

**Illegal Purchases**

It is against the law for you to buy cigarettes or tobacco products from a seller who is not licensed under the California Cigarette and Tobacco Products Licensing Act of 2003. If you make an illegal purchase, your license may be taken away temporarily or permanently. You may also be fined and/or sent to prison.

**Note:** A list of California-licensed distributors and wholesalers is on the Board of Equalization website at www.boe.ca.gov/pdf/cigdistrib-wholsr.pdf

### Laws about Selling to Minors

- **Selling tobacco to anyone under the age of 18 is against the law. Anyone younger than 18 years old is a minor.**

Two California laws prohibit selling tobacco to minors: **Penal Code Section 308 and the Stop Tobacco Access to Kids Enforcement (STAKE) Act, Business and Professions Code Section 22950–22963.**

**Penal Code Section 308**

- It is a crime to sell, give, or in any way supply tobacco products and paraphernalia to minors.
- Signs with the "1-800-5 ASK-4-ID" phone number must be posted at each cash register.

**WHAT are the penalties?**

- Storeowners and/or clerks who break the law may be charged with a misdemeanor or may be fined: $200 for the first violation, $500 for the second violation, and $1,000 for the third violation.
South Pasadena Municipal Code

CHAPTER 18 BUSINESS, PROFESSIONS AND TRADES

PART 6—TOBACCO RETAILER PERMIT

18.101 Definitions.

The following words and phrases, whenever used in this part, shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) "Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this part is not an arm's length transaction.

(b) "Department" means the finance department and any agency or person designated by the department to enforce or administer the provisions of this part.

(c) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(d) "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

(e) "Self-servicedisplay" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

(f) "Smoking" means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind) and means the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind).

(g) "Tobacco product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(h) "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing" means the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange. (Ord. No. 2184, § 2, 2009.)

18.102 Requirements and prohibitions.

(a) Tobacco Retailer Permit Required. It is unlawful for any person to act as a tobacco retailer in the city without first obtaining and maintaining a valid tobacco retailer permit ("permit") pursuant to this part for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer permit is a nuisance.
as a matter of law.

(b) Lawful Business Operation. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a permit issued, it shall be a violation of this part for a permittee, or any of the permittee's agents or employees, to violate any local, state, or federal law applicable to tobacco products or tobacco retailing.

(c) Display of Permit. Each tobacco retailer permit shall be prominently displayed in a publicly visible location at the permitted location.

(d) Positive Identification Required. No person engaged in tobacco retailing shall sell or transfer a tobacco product to another person who appears to be under the age of twenty-seven years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product.

(e) Minimum Age for Persons Selling Tobacco. No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing.

(f) Self-Service Displays Prohibited. Tobacco retailing by means of a self-service display is prohibited.

(g) False and Misleading Advertising Prohibited. A tobacco retailer or proprietor without a valid tobacco retailer permit, including, for example, a person whose permit has been suspended or revoked:

1. Shall keep all tobacco products out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco retailing without a permit under section 18.112; and

2. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location. (Ord. No. 2184, § 2, 2009.)

18.103 Limits on eligibility for a tobacco retailer permit.

No permit may issue to authorize tobacco retailing at other than a fixed location. For example, tobacco retailing by persons on foot or from vehicles is prohibited. (Ord. No. 2184, § 2, 2009.)

18.104 Application procedure.

(a) Application for a tobacco retailer permit shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof.

It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer permit. No proprietor may rely on the issuance of a permit as a determination by the city that the proprietor has complied with all laws applicable to tobacco retailing. A permit issued contrary to this part, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to section 18.111(d) of this part. Nothing in this part shall be construed to vest in any person obtaining and maintaining a tobacco retailer permit any status or right to act as a tobacco retailer in contravention of any provision of law.

All applications shall be submitted on a form supplied by the department and shall contain the following information:

1. The name, address, and telephone number of each proprietor of the business seeking a permit;

2. The business name, address, and telephone number of the single fixed location for which a permit is sought;
PART 6—TOBACCO RETAILER PERMIT

(3) A single name and mailing address authorized by each proprietor to receive all communications and notices (the “authorized address”) required by, authorized by, or convenient to the enforcement of this part. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) of this subsection;

(4) Proof that the location for which a tobacco retailer permit is sought has been issued a valid state tobacco retailer permit by the California Board of Equalization;

(5) Whether or not any proprietor or any agent of the proprietor has admitted violating, or has been found to have violated, this part and, if so, the dates and locations of all such violations within the previous five years;

(6) Such other information as the department deems necessary for the administration or enforcement of this part as specified on the application form required by this section.

(b) A permitted tobacco retailer shall inform the department in writing of any change in the information submitted on an application for a tobacco retailer permit within ten business days of a change.

(c) All information specified on an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code section 6250 et seq.) or any other applicable law, subject to the laws’ exemptions. (Ord. No. 2184, § 2, 2009.)

18.105 Issuance of permit.

Upon the receipt of a complete application for a tobacco retailer permit and the permit fee required by this part, the department shall issue a permit unless substantial evidence demonstrates that one or more of the following bases for denial exists:

(a) The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this part;

(b) The application seeks authorization for tobacco retailing at a location for which this part prohibits issuance of tobacco retailer permits. However, this subsection shall not constitute a basis for denial of a permit if the applicant provides the city with documentation demonstrating by clear and convincing evidence that the applicant has acquired or is acquiring the location or business in an arm’s length transaction;

(c) The application seeks authorization for tobacco retailing for a proprietor to whom this part prohibits a permit to be issued;

(d) The application seeks authorization for tobacco retailing that is prohibited pursuant to this part (e.g., mobile vending), that is unlawful pursuant to this Code including without limitation the zoning code, building code, and business license tax code, or that is unlawful pursuant to any other law. (Ord. No. 2184, § 2, 2009.)

18.106 Permit renewal and expiration.

(a) Renewal of Permit. A tobacco retailer permit is invalid if the appropriate fee has not been timely paid in full or if the term of the permit has expired. The term of a tobacco retailer permit is one year. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer permit and submit the permit fee no later than thirty days prior to expiration of the term.

(b) Expiration of Permit. A tobacco retailer permit that is not timely renewed shall expire at the end of its term. To renew a permit not timely renewed pursuant to subsection (a), the proprietor must:

(1) Submit the permit fee and application renewal form; and

(2) Submit a signed affidavit affirming that the proprietor:

(i) Has not sold and will not sell any tobacco product or tobacco paraphernalia after the permit expiration
date and before the permit is renewed, or
(ii) Has waited the appropriate ineligibility period established for tobacco retailing without a permit, as set forth in section 18.112(a) of this part, before seeking renewal of the permit. (Ord. No. 2184, § 2, 2009.)

18.107 Permits nontransferable.

(a) A tobacco retailer permit may not be transferred from one person to another or from one location to another. A new tobacco retailer permit is required whenever a tobacco retailing location has a change in proprietor(s).

(b) Notwithstanding any other provision of this part, prior violations at a location shall continue to be counted against a location and permit ineligibility periods shall continue to apply to a location unless:

1. The location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors; and
2. The new proprietor(s) provide the city with clear and convincing evidence that the new proprietor(s) have acquired or is acquiring the location in an arm’s length transaction. (Ord. No. 2184, § 2, 2009.)

18.108 Permit conveys a limited, conditional privilege.

Nothing in this part shall be construed to grant any person obtaining and maintaining a tobacco retailer permit any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the city identified on the face of the permit. For example, nothing in this part shall be construed to render inapplicable, supercede, or apply in lieu of, any other provision of applicable law, including, but not limited to, any provision of this Code including without limitation the zoning code, building codes, and business license tax code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code section 6404.5. For example, obtaining a tobacco retailer permit does not make the retailer a “retail or wholesale tobacco shop” for the purposes of California Labor Code section 6404.5. (Ord. No. 2184, § 2, 2009.)

18.109 Fee for permit.

The initial fee to issue or to renew a tobacco retailer permit is hereby established at one hundred and twenty dollars. The fee shall be calculated so as to recover the cost of administration and enforcement of this part, including, for example, issuing a permit, administering the permit program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this part. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law. (Ord. No. 2184, § 2, 2009.)

18.110 Compliance monitoring.

(a) Compliance with this part shall be monitored by the finance department. In addition, any peace officer may enforce the penal provisions of this part. The city may designate any number of additional persons to monitor compliance with this part.

(b) The department or other person designated to enforce the provisions of this part shall check the compliance of each tobacco retailer at least one time per twelve-month period. The department may check the compliance of new permit and tobacco retailers previously found in violation of the licensing law more
frequently. Nothing in this subsection shall create a right of action in any permittee or other person against the city or its agents.

(c) Compliance checks shall be conducted so as to allow the department to determine, at a minimum, if the tobacco retailer is conducting business in a manner that complies with laws regulating youth access to tobacco. When the department deems appropriate, the compliance checks shall determine compliance with other laws applicable to tobacco retailing.

(d) The city shall not enforce any law establishing a minimum age for tobacco purchases or possession against a person who otherwise might be in violation of such law because of the person’s age (hereinafter “youth decoy”) if the potential violation occurs when:

1. The youth decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the city of South Pasadena;
2. The youth decoy is acting as an agent of a person designated by the city to monitor compliance with this part;
3. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the Los Angeles County department of health and/or Pasadena health department; or
4. The youth decoy has an immunity letter from the district attorney’s office. (Ord. No. 2184, § 2, 2009.)

18.111 Suspension/Revocation of Permit.

(a) Suspension of Permit for Violation. In addition to any other penalty authorized by law, a tobacco retailer permit shall be suspended or revoked if any court of competent jurisdiction determines, or the department finds based on a preponderance of the evidence, after the permittee is afforded notice and an opportunity to be heard, that the permit, or any of the permittee’s agents or employees, has violated any of the requirements, conditions, or prohibitions of this part or has pleaded guilty, “no contest” or its equivalent, or admitted to a violation of any law designated in section 18.102 of this part. A tobacco retailer or proprietor whose permit has been suspended is deemed not to have a valid tobacco retailer permit during the suspension period for purposes of this part.

(b) Tobacco Retailer Permit Suspension/Revocation.

1. After suspension for a first violation of this part at a location within any twelve-month period, no person may engage in tobacco retailing at the location until fifteen days have passed from the date of suspension.
2. After suspension for a second violation of this part at a location within any twenty-four month period, no person may engage in tobacco retailing at the location until thirty days have passed from the date of suspension.
3. After suspension for a third violation of this part at a location within any thirty-six month period, no person may engage in tobacco retailing at the location until ninety days have passed from the date of suspension.
4. After revocation for four or more violations of this part at a location within any forty-eight month period, no new permit may issue for the location until one year has passed from the date of revocation.

(c) Appeal of Suspension/Revocation. A decision of the department to suspend or revoke a permit is appealable to city manager and/or designee and must be filed with the city clerk or within ten days of mailing of the department’s decision. If such an appeal is made, it shall stay enforcement of the appealed action. An appeal to the city manager or designee is not available for a suspension or revocation made pursuant to subsection (d) of this section.

(d) Revocation of Permit Wrongly Issued. A tobacco retailer permit shall be revoked if the department finds, after the permit is afforded notice and an opportunity to be heard, that one or more of the bases for denial
of a permit under section 18.105 existed at the time application was made or at any time before the permit issued. The decision by the department shall be the final decision of the city. Such a revocation shall be without prejudice to the filing of a new permit application. (Ord. No. 2184, § 2, 2009.)

18.112 Tobacco retailing without a permit.

(a) In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the department finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at a location without a valid tobacco retailer permit, either directly or through the person’s agents or employees, the person shall be ineligible to apply for, or to be issued, a tobacco retailing permit as follows:

(1) After a first violation of this section at a location within any sixty-month period, no new permit may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm’s length transaction), until thirty days have passed from the date of the violation.

(2) After a second violation of this section at a location within any sixty-month period, no new permit may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm’s length transaction), until ninety days have passed from the date of the violation.

(3) After a third or subsequent violation of this section at a location within any sixty-month period, no new permit may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm’s length transaction), until five years have passed from the date of the violation.

(b) Tobacco products and tobacco paraphernalia offered for sale or exchange in violation of this section are subject to seizure by the department or any peace officer and shall be forfeited after the permittee and any other owner of the tobacco products and tobacco paraphernalia seized is given reasonable notice and an opportunity to demonstrate that the tobacco products and tobacco paraphernalia were not offered for sale or exchange in violation of this part. The decision by the department may be appealed pursuant to the procedures set forth in section 18.111(c). Forfeited tobacco products and tobacco paraphernalia shall be destroyed after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after judgment in that suit becomes final.

(c) For the purposes of the civil remedies provided in this part, the following shall constitute a separate violation of this part:

(1) Each day on which a tobacco product or tobacco paraphernalia is offered for sale in violation of this part; or

(2) Each individual retail tobacco product and each individual retail item of tobacco paraphernalia that is distributed, sold, or offered for sale in violation of this part. (Ord. No. 2184, § 2, 2009.)

18.113 Enforcement.

(a) The remedies provided by this part are cumulative and in addition to any other remedies available at law or in equity.

(b) Whenever evidence of a violation of this part is obtained in any part through the participation of a person under the age of eighteen years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this part and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

(c) Violations of this part are subject to a civil action brought by the city prosecutor or the city attorney,
punishable by a civil fine not less than two hundred fifty dollars and not exceeding one thousand dollars per violation.

(d) Violations of this part may, in the discretion of the city prosecutor be prosecuted as infractions or misdemeanors when the interests of justice so require.

(e) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this part shall also constitute a violation of this part.

(f) Violations of this part are hereby declared to be public nuisances.

(g) In addition to other remedies provided by this part or by other law, any violation of this part may be remedied by a civil action brought by the city attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. (Ord. No. 2184, § 2, 2009.)
STATE OF TOBACCO CONTROL 2009
CRITERIA FOR LOCAL GRADES

The American Lung Association releases its annual *State of Tobacco Control Report* that grades every state on their tobacco control efforts in four categories — (1) Tobacco Prevention and Control Spending; (2) Smokefree Air; (3) Cigarette Tax; and (4) Cessation Coverage. In recent years, the American Lung Association in California has been issuing a report card that grades cities and counties in California on local tobacco control laws and policies. Because California has been such a leader on the issue of tobacco control and since some of the criteria for the state grades do not apply to local jurisdictions, a separate grading criteria has been created for cities and counties in California to award grades in three categories —

(1) Smokefree Outdoor Air
(2) Smokefree Housing
(3) Reducing Sales of Tobacco Products

These three grades are then used to calculate an Overall Tobacco Control grade for the city/county. Below is an overview of each of the grade categories. Included in the overview is a description of the category, a summary of the relevant state laws and an explanation of the grade criteria.

OVERALL TOBACCO CONTROL GRADE
*Description* — The Overall Tobacco Control grade is a letter grade awarded to the jurisdiction based on its grades in the three categories.

*Grade Criteria* — To obtain the Overall Tobacco Control Grade, the city or county is given point values for each of its grades in the three categories (Smokefree Outdoor Air, Smokefree Housing, Reducing Sales of Tobacco Products) as follows – A=4; B=3; C=2; D=1; and F=0. These point values are then added together for a total point value for the overall Tobacco Control grade with a scale of: A (11-12); B (8-10); C (5-7); D (2-4); and F (0-1).

SMOKEFREE OUTDOOR AIR
*Description* — There is no doubt about the harmful health effects of secondhand smoke and this danger exists not just in indoor settings but in outdoor areas as well. Many recent scientific studies have demonstrated the negative health effects of secondhand smoke exposure in outdoor settings. To protect the health of their residents, many cities and counties have adopted local ordinances that restrict smoking in a variety of outdoor areas ranging from parks to sidewalks.

*State Law* — California has some of the strongest laws in the nation to protect people from harmful secondhand smoke exposure. However, these state laws mostly focus on workplaces and other indoor areas and only a few laws restrict smoking in outdoor areas, which are detailed in the policy areas below. Local jurisdictions have the explicit authority to go beyond state law and enact secondhand smoke restrictions in outdoor areas.

*Grade Criteria* — The Smokefree Outdoor Air grade is based on the smoking restrictions adopted by local communities in five outdoor areas — (1) Dining Areas; (2) Entryways; (3) Public Events; (4) Recreation
Areas; and (5) Service Areas. In the five outdoor areas, the city or county is given a point value between 0 and 4 based on the strength of their local ordinance. A bonus point is available in a sixth outdoor area, smoking restrictions on sidewalks in commercial areas. These point values are then added together to calculate the overall Smokefree Outdoor Air grade using a scale of: A (18+); B (13-17); C (8-12); D (3-7); and F (0-2).

Dining Areas
Description — Restrictions on smoking in outdoor seating areas at restaurants and bars.
State Law — Smoking is prohibited in indoor dining areas but there are no state law restrictions on smoking in outdoor dining areas.
Criteria
4 — All Outdoor dining areas at bars and restaurants are 100% smokefree
2 — Smoking restricted in outdoor dining areas but designated smoking areas allowed or exceptions made for certain types of bars and/or restaurants
0 — No smoking restrictions in outdoor dining areas

Entryways
Description — Restrictions on smoking in places within a certain distance of doors, windows, and other openings into all enclosed areas where smoking is prohibited
State Law — Smoking is prohibited within 20 feet of entrances, exits, or operable windows of a public building, which includes state, county and city buildings.
Criteria
4 — Smoking prohibited within 20 or more feet of entryways
3 — Smoking prohibited within 15-19 feet of entryways
2 — Smoking prohibited within some distance less than 15 feet of entryways or within an unspecified distance of entryways
0 — No smoking restrictions for entryways

Public Events
Description — Smoking restrictions at events open to the public such as fairs, farmer’s markets, parades, concerts and other similar events that take place on public property.
State Law — There are no statewide restrictions on smoking in outdoor public events.
Criteria
4 — All public events are 100% smokefree
3 — Smoking restricted at all public events, but designated smoking areas are permitted
2 — Smoking restricted at specific types of public events (such as in all farmer’s markets), but not all public events
0 — No restrictions on smoking at public events

Recreation Areas
Description — Smoking restrictions at parks, beaches, trails and other similar recreation areas.
State Law — Smoking is prohibited within 25 feet of tot lots and playgrounds.
Criteria
4 — All recreation areas are 100% smokefree
3 — Smoking restricted in all recreation areas, but designated smoking areas are permitted
2 — Smoking prohibited in some parks, beaches and trails but not all recreation areas
0 — No smoking restrictions in recreation areas

Service Areas
*Description* — Smoking restrictions in outdoor locations where people stand or wait for services including ATM lines, public transit stops, taxi stands and ticket lines.
*State Law* — There are no statewide restrictions on smoking in service areas.
*Criteria*
4 — Smoking restricted at all service areas
2 — Smoking restricted at some types of service areas (such as at bus stops) but not all service areas
0 — No restrictions on smoking in service areas

Sidewalks in Commercial Areas
*Description* — Smoking restrictions on sidewalks and other pedestrian walkways in commercial areas, such as downtown areas and outdoor shopping centers.
*State Law* — There are no statewide restrictions on smoking on sidewalks in commercial areas.
*Criteria*
1 bonus point — Smoking restricted on sidewalks or other pedestrian walkways within all commercial areas or within a specified commercial or downtown area

SMOKEFREE HOUSING
*Description* — While California has been a leader on protections from secondhand smoke, one area where people continue to be unprotected is in multi-unit housing. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from other units, balconies, patios and common areas.
*State Law* — The only statewide smoking restriction in multi-unit housing is restricting smoking in indoor common areas (described below), but this restriction is a workplace protection, not about protecting the health of tenants. Local jurisdictions are allowed to go beyond state law in enacting secondhand smoke restrictions for multi-unit housing.
*Grade Criteria* — Cities and counties have taken a variety of approaches in passing local ordinances to try and address the problem of secondhand smoke in multi-unit housing. The overall Smokefree Housing grade is based on the grades for three of these types of smokefree housing policies — (1) Nonsmoking Units; (2) Nonsmoking Common Areas; and (3) Disclosure. For each of the three policies, the city or county is given a point value between 0 and 4 based on the strength of their local ordinance. Bonus points are available in two categories (1) Declaring Secondhand Smoke a Nuisance; and (2) Prohibiting Smoking in Housing Authority Multi-Unit Housing Units. These point values are then added together to calculate the overall Smokefree Housing grade using a scale of: A (11+); B (8-10); C (5-7); D (2-4); and F (0-1).
Nonsmoking Units

*Description* — Prohibiting smoking within the units, patios and balconies of multi-unit housing units.

*State Law* — There are no statewide restrictions on smoking in units of multi-unit housing.

*Criteria*
- 4 — 75-100% of multi-unit housing units declared nonsmoking
- 3 — 50-74% of multi-unit housing units declared nonsmoking
- 2 — 25-49% of multi-unit housing units declared nonsmoking
- 0 — No requirements for declaring multi-unit housing units nonsmoking or some percentage less than 25% required

Nonsmoking Common Areas

*Description* — Smoking restrictions in both indoor common areas, which includes hallways, stairwells, laundry rooms and recreation rooms, and outdoor common areas, which includes swimming pools, play areas, outdoor eating areas and courtyards, of multi-unit housing.

*State Law* — Smoking is prohibited in indoor common areas of apartments and condominiums if the areas are places of employment. These areas are places of employment if there is an employee who works on the property such as an on-site property manager, security guard or maintenance worker.

*Criteria*
- 4 — Smoking restricted in all indoor and outdoor common areas, including ordinances that allow for designated smoking areas in outdoor common areas
- 2 — Smoking restricted in all indoor common areas, but not outdoor common areas
- 0 — No restrictions on smoking in common areas

Disclosure

*Description* — Requiring the landlords of apartments or the sellers of condominiums to disclose to potential tenants and potential buyers information about the smoking restrictions at the property. This information can include general smoking policies, whether the unit they are renting or selling is smoking or nonsmoking and the location of smoking and nonsmoking units.

*State Law* — There are no statewide requirements for disclosure of smokefree housing policies.

*Criteria*
- 4 — Requirements to disclose if the unit is smoking or nonsmoking and other information about the smoking policy for the property for both apartments and condominiums
- 3 — Requirements to disclose if the unit is smoking or nonsmoking and other information about the smoking policy for the property for only apartments or only condominiums
- 0 — No disclosure requirements for multi-unit housing

Nuisance

*Description* — Declaring involuntary exposure to secondhand smoke a nuisance, which allows for members of the public to use nuisance abatement laws to stop the exposure.

*State Law* — There is no statewide declaration that specifically declares secondhand smoke a nuisance. However, California law does declare anything that is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, a nuisance. Under this definition it is possible to prove involuntary secondhand smoke as a nuisance, but specifically declaring that exposure as a nuisance lowers the burden of proof and makes it easier to stop that exposure.
Criteria

1 bonus point – Secondhand smoke exposure is declared a nuisance throughout the city or declared a nuisance within a housing setting

Housing Authority Nonsmoking Units

Description – Prohibiting smoking within the actual units, patios and balconies of multi-unit housing units that are under the control of the city or county Housing Authority. These policies generally need to be approved by the City Council/Board of Supervisors.

State Law – There are no statewide restrictions requiring nonsmoking for housing authorities.

Criteria

1 bonus point – Smoking is prohibited within a certain percentage of units for some or all of the units under the control of the housing authority.

REDUCING SALES OF TOBACCO PRODUCTS

Description – An important aspect of reducing the smoking prevalence rates in California is to reduce the availability and sales of tobacco. This reduction in access to tobacco products can be done through requiring locations that sell tobacco products to meet certain requirements, through limiting where tobacco products can be sold, or through regulating the sampling or other free distribution of tobacco products.

State Law – California has several statewide laws related to access to and sales of tobacco products that are described in the policy areas below. The state allows local jurisdictions to go beyond state law in enacting restrictions in these policy areas.

Grade Criteria – The Reducing Sales of Tobacco Products grade is determined by the ordinances adopted by cities/counties in one area, Local Tobacco Retailer Licensing Ordinance. For this policy area, the city or county is given a point value between 0 and 4 based on the strength of their ordinance. Bonus points are available in three categories: (1) Conditional Use Permits; (2) Sales of Tobacco Products in Pharmacies; and (3) Sampling of Tobacco Products. These point values are then added together to calculate the overall Reducing Sales of Tobacco Products grade using a scale of: A (4+); B (3); C (2); D (1); and F (0).

Local Tobacco Retailer Licensing Ordinance

Description – Youth under the age of 18 are often able to purchase tobacco products at all types of retailers, ranging from convenience stores and gas stations to large chain grocery stores and pharmacies, even though it is illegal to sell these products to minors. To combat this problem many cities and counties in California are passing ordinances that require tobacco retailers to obtain a license to sell tobacco products, which allows the local jurisdictions to keep track of tobacco retailers, conduct enforcement activities to ensure compliance with state and local laws and penalize retailers who sell to minors.

State Law – It is illegal in the state to sell or give tobacco products to anyone under the age of 18. There are laws in California that can either punish the business owner or the clerk when an illegal sale is made. Tobacco retailers are also required to obtain a state tobacco retailer license and this law has generally been used to combat black market sales and tax evasion.
Criteria — In order for a local licensing ordinance to effectively reduce illegal sales to minors, it must contain four provisions: (1) requiring tobacco retailers to pay an annual fee that sufficiently covers administration and enforcement efforts, including compliance checks; (2) requirement that all retailers obtain license to sell tobacco and renew it annually; (3) provision that any violation of a local, state or federal tobacco law is considered a violation of the license; and (4) financial deterrent through fines and penalties for violations that includes suspension and revocation of the license. Of these four provisions, it is essential that the licensing ordinance requires a sufficient fee so that the administration and enforcement of the license can actually occur. A city/county can get credit for meeting the annual fee requirement if it uses other sustainable funding sources (such as funds from the Master Settlement Agreement) that are dedicated for administration and enforcement of the retailer license. The grade for Local Tobacco Retailer Licensing Ordinance is based on the provisions of the ordinance that a city or county has adopted with the following scale:

4 — Licensing ordinance with sufficient annual fee and the other 3 provisions outlined above
3 — Licensing ordinance with sufficient annual fee and 2 of the other 3 provisions outlined above
2 — Licensing ordinance with sufficient annual fee and 1 of the other 3 provisions outlined above
1 — Licensing ordinance with sufficient annual fee and 0 of the other 3 provisions outlined above
0 — No licensing ordinance or a licensing ordinance with no annual fee and none of the other provisions outlined above

Conditional Use Permits
Description — Cities and counties can restrict where certain types of business can be located by requiring these businesses to get a conditional use permit to be able to establish that type of business within a certain area or within a certain distance of schools and parks unless they obtain a conditional use permit.

State Law — There are is no statewide law requiring tobacco retailers to obtain a conditional use permit.

Criteria
1 bonus point — The city/county has adopted an ordinance that requires tobacco retailers to obtain a conditional use permit in order to establish a business that sells tobacco within a certain distance of schools, parks or other areas where children congregate.

Sale of Tobacco Products in Pharmacies
Description — Pharmacies are traditionally places where people go to purchase products to get healthy or improve their health. The availability of tobacco products at pharmacies associates them with other healthy products and with the general improving health focus of these stores. Many health organizations believe that selling tobacco at pharmacies is contrary to a pharmacy’s purpose and have advocated voluntary policies or local ordinances to restrict tobacco sales at pharmacies.

State Law — There is no statewide law that restricts pharmacies from selling tobacco products. Pharmacies that elect to sell tobacco products, like all other types of tobacco retailers, must obtain a statewide tobacco retailer license.

Criteria
1 bonus point — Tobacco products are prohibited from being sold at all pharmacies or at certain types of pharmacies in the city/county.
Sampling of Tobacco Products

Description – Giving away free tobacco products or providing these products at a reduced cost is a tool that tobacco companies use to gain new customers and get current customers addicted to new types of products. Restricting this sampling can make it harder for tobacco companies to addict new users and can help to reduce prevalence rates for using tobacco products.

State Law – State law prohibits the free or nominal-cost distribution of cigarettes or smokeless tobacco products on public grounds or private grounds open to the public, but allows exemptions for adult only facilities. This law includes coupons, coupon offers, rebate offers, gift certificates/cards and other similar offers in this prohibition. Through the Master Settlement Agreement, the settling tobacco companies are prohibited from providing free samples of their products except in an adult-only facility.

Criteria

1 bonus point – The city/county has adopted an ordinance that restricts the free or nominal-cost distribution of tobacco products beyond the restrictions in state law, such as prohibiting the free distribution of tobacco products entirely.
In order to reduce illegal sales of tobacco products to minors, many cities and counties in California have adopted strong local tobacco retailer licensing ordinances. This document highlights sixty-three ordinances in which the fee and enforcement provisions are particularly noteworthy. Although over eighty communities throughout the state have passed tobacco retailer licenses, some of them do not contain provisions that would make them effective. A strong local tobacco licensing law is defined as one that includes the following four components:

- Requirements that all retailers that sell tobacco products must obtain a license and renew it annually.
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated.
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license.
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

The sixty-three communities that have adopted these strong ordinances are detailed on the following pages in reverse chronological order from most recently passed and listed here in alphabetical order: Arroyo Grande, Baldwin Park, Banning, Beaumont, Berkeley, Burbank, California City, Calimesa, Carson, Coachella, Compton, Concord, Contra Costa County, Corona, Davis, Delano, Desert Hot Springs, El Cajon, Elk Grove, Gardena, Glendale, Goleta, Grover Beach, Hemet, Hollister, Inglewood, Kern County, Lake Elsinore, Lomita, Long Beach, Los Angeles (City), Los Angeles County, McFarland, Moreno Valley, Murrieta, Nevada City, Norco, Oakland, Pacifica, Pasadena, Perris, Rancho Cordova, Richmond, Riverside (City), Riverside County, Sacramento (City), Sacramento County, San Fernando, San Francisco, San Jacinto, San Luis Obispo (City), San Luis Obispo County, Santa Ana, Santa Barbara (City), Santa Barbara County, Santa Monica, Sierra Madre, South Pasadena, Tehachapi, Temecula, Vista, Wasco, and Yolo County.

For each ordinance, the Matrix contains information about the population of the city or county, the fee amount, enforcement details, the schedule of license suspensions/revocations, any additional provisions and local contact information.

The details of the ordinances outlined in the Matrix demonstrate that strong ordinances can be adopted in many communities and that the details are flexible enough to be tailored to the specific community realities and needs. Strong licensing ordinances have been adopted by cities in fifteen different counties in both rural and urban areas. In addition, ordinances have been adopted in both small (Nevada City – pop. 3,074, Calimesa – pop. 7,536) and large cities (Los Angeles – pop. 4,045,873, San Francisco – pop. 824,925). The fees range from $30 for some smaller cities with only a couple of retailers to $635, with the majority of fees between $200 - $350. Enforcement and
compliance checks for these ordinances are handled by a variety of different agencies including the police department, sheriff's department, public health department, code enforcement and others.

The Technical Assistance Legal Center (TALC) has a model tobacco retailer licensing ordinance available at http://talc.pihlaw.org/pdf_files/0018.pdf. For questions about the model ordinance, contact Ian McLaughlin with TALC at 510-302-3315. While all the ordinances on this matrix are considered strong, they are not all exactly like the TALC model ordinance. Most significantly, some communities pay for compliance checks through other sustainable funding sources. Although finding alternative funding sources may not be possible in most communities, we have included these ordinances because there may be locations where these strategies make sense.

The Center has additional documents on tobacco retailer licensing, including a fact sheet on the effectiveness of these ordinances and a document with answers to tough questions from opponents and elected officials about tobacco retailer licensing, available at www.Center4TobaccoPolicy.org/localpolicies-licensing.

<table>
<thead>
<tr>
<th>Community/Date Passed</th>
<th>Fee</th>
<th>Enforcement Activities</th>
<th>Suspension/Revocation Schedule</th>
<th>Additional Provisions</th>
<th>Local Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of South Pasadena February 2009</td>
<td>$120/Annual</td>
<td>The Police Department is responsible for compliance. Any peace officer may enforce the provisions of the law. Compliance checks will be conducted for each retailer at least once per year. More frequent compliance checks may be conducted for new retailers and those who have committed previous violations.</td>
<td>1st violation within one year - 15 day suspension 2nd violation within two years - 30 day suspension 3rd violation within three years - 90 day suspension 4th violation within four years - one year suspension</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a> or Wesley Reutmann, Day One: (626) 229-9750 <a href="mailto:wesley@dayonepasadena.com">wesley@dayonepasadena.com</a></td>
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<tr>
<td>City of Santa Monica November 2008</td>
<td>$135.45/Annual</td>
<td>The City Manager or Manager's designee is responsible for suspension and revocation of the license.</td>
<td>1st violation within 5 years - up to 30 day suspension 2nd violation within 5 years - up to 90 day suspension 3rd violation within 5 years - license may be revoked</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
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<tr>
<td>City of Baldwin Park October 2008</td>
<td>Fee not set yet but ordinance requires it to be sufficient to cover administration and</td>
<td>The Community Development Department shall be responsible for compliance. Any peace officer or may enforce the provisions of this law. The number of compliance checks per year will be</td>
<td>1st violation within 5 years - 10 day revocation 2nd violation within 5 years - 30 day revocation 3rd violation within 5 years - 90 day suspension</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
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<tr>
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<td>Local Contact</td>
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<td>County of San Luis Obispo</td>
<td>$342/Annual</td>
<td>The Sheriff's Department will be responsible for compliance. At least four compliance checks per year will be conducted.</td>
<td>1st violation within 5 years – 30 day suspension 2nd violation within 5 years – 90 day suspension 3rd violation within 5 years – 1 year suspension 4th violation within 5 years – 5 year suspension</td>
<td>Bans mobile sales. Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation. Requires that no license may be granted to any business offering food or alcoholic beverages for sale for consumption on the premises. Requires that no license may be issued for any location that is exclusively zoned for residential uses.</td>
<td>Amber Alewine, Health Education Specialist, County of San Luis Obispo Health Agency: (805) 781-1157 <a href="mailto:aalewine@co.slo.ca.us">aalewine@co.slo.ca.us</a></td>
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<tr>
<td>City of San Fernando</td>
<td>$250/Annual</td>
<td>The administrative services department shall be responsible for enforcement.</td>
<td>1st violation within one year – 30 day suspension unless the retailer submits a training plan with the administrative services department for the training of all sales employees in the laws pertaining to the sales of tobacco and shows evidence that the training has been completed</td>
<td>Bans mobile sales.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
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Population: 116,716
(Note: the original license with no fee was passed in 2002)
<table>
<thead>
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<tr>
<td>City of Perris</td>
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<tr>
<td>August 2008</td>
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<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>2nd violation within one year – 90 day suspension&lt;br&gt;3rd violation within one year – One year suspension</td>
<td>Bans mobile sales.&lt;br&gt;Requires retailers to check the age of purchasers who reasonably appear to be under the age of 27.&lt;br&gt;Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).&lt;br&gt;Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
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<tr>
<td>Population: 53,665</td>
<td>$350/Annual&lt;br&gt;Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance.</td>
<td>1st violation within 5 years – 10 day revocation&lt;br&gt;2nd violation within 5 years – 30 day revocation&lt;br&gt;3rd violation within 5 years – 90 day revocation&lt;br&gt;4th violation within 5 years – 5 year revocation</td>
<td>For the first and second violation, the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
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<tr>
<td>City of Gardena</td>
<td></td>
<td>The police department and administrative services department shall be responsible for compliance. Any peace officer or may enforce the provisions of this law. The police department will conduct compliance checks on at least 50 percent of the retailers each year.</td>
<td>4th violation within 5 years – 50 percent of retailers are subject to license suspension, administrative penalties, or both.</td>
<td>Bans mobile sales.&lt;br&gt;Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.&lt;br&gt;Requires retailers to check the age of purchasers who appear to be under the age of 27.&lt;br&gt;Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
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<td>July 2008</td>
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<tr>
<td>Population: 61,781</td>
<td>$167 Initial&lt;br&gt;$120 Renewal</td>
<td>1st violation within 5 years – 30 day revocation&lt;br&gt;2nd violation within 5 years – 60 day revocation&lt;br&gt;3rd violation within 5 years – 90 day revocation&lt;br&gt;4th violation within 5 years – 6 year revocation</td>
<td>For the first and second violation, the retailer can enter a settlement with the City to pay a fine and get a reduced revocation.</td>
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<tr>
<td>City of Delano</td>
<td></td>
<td>Compliance monitored by the Delano Police Department.</td>
<td>Violators are subject to license suspension, administrative penalties, or both. License Suspension: 1st violation within 5 years – up to 30-day suspension</td>
<td>Bans mobile sales.&lt;br&gt;Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.&lt;br&gt;Requires retailers to check the age of purchasers who appear to be under the age of 27.&lt;br&gt;Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
<td>Nsele Nsuangani, Project Director, Kern County Department of Public Health: (631) 868-0488, <a href="mailto:nuangani@co.kern.ca.us">nuangani@co.kern.ca.us</a></td>
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<td>June 2008</td>
<td>$165/Annual</td>
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<td>Population: 63,855</td>
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<td>Community/Date Passed</td>
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<td>Enforcement Activities</td>
<td>Suspension/Revocation Schedule</td>
<td>Additional Provisions</td>
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<tr>
<td>City of Oakland</td>
<td>$50/Annual application fee $1500/Annual inspection fee (businesses selling alcohol with deemed approve permits are exempted from the inspection fee since they already pay for an inspection fee)</td>
<td>The Oakland Police Department is responsible for compliance. Any peace officer can enforce the provisions of the law. The City Administrator is responsible for adopting rules of procedures and regulations for carrying out the provisions of this chapter.</td>
<td>2nd violation within 5 years – up to 30-day suspension 3rd violation within 5 years – up to 90-day suspension 4th violation within 5 years – up to 180-day suspension or revocation Administrative Penalties: 1st violation within 1 year – penalty up to $100 2nd violation within 1 year – penalty up to $200 3rd violation within 1 year – penalty up to $500</td>
<td>purchasers who appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). All applicants for a Tobacco Retailer's Permit must submit verification that they have attended a training program provided or approved by the Chief of Police on the laws related to the sale of tobacco products in California.</td>
<td>Serena Chen, Tobacco and Policy Director, American Lung Association of California: (510) 893-5474 x303 <a href="mailto:schen@alac.org">schen@alac.org</a></td>
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Population: 420,183 | | | | | |
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<thead>
<tr>
<th>Community/Date Passed</th>
<th>Fee</th>
<th>Enforcement Activities</th>
<th>Suspension/Revocation Schedule</th>
<th>Additional Provisions</th>
<th>Local Contact</th>
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</thead>
<tbody>
<tr>
<td>City of Hemet</td>
<td>$350/Annually</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance.</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; violation within 5 years – 10 day revocation</td>
<td>Bans mobile sales.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: [760] 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>March 2008</td>
<td></td>
<td>The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; violation within 5 years – 30 day revocation</td>
<td>Requires retailers to check the age of purchasers who reasonably appear to be under the age of 27.</td>
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<tr>
<td>Population: 74,185</td>
<td></td>
<td></td>
<td>3&lt;sup&gt;rd&lt;/sup&gt; violation within 5 years – 90 day revocation</td>
<td>Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
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<td>4&lt;sup&gt;th&lt;/sup&gt; violation within 5 years – 5 year revocation</td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
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<td></td>
<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
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<tr>
<td>City of Long Beach</td>
<td>$442/Annually</td>
<td>The Long Beach Police Department is responsible for compliance checks for illegal sales to minors.</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; violation within 5 years – up to 10 day suspension</td>
<td>Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
<td>Margaret (Peggy) Preacely, Project Director, City of Long Beach, Tobacco Retail Enforcement Program: [562] <a href="mailto:570-7955Margaret.preacely@longbeach.gov">570-7955Margaret.preacely@longbeach.gov</a> Or Melanie Gabriel, Assistant TREP Coordinator: [562] <a href="mailto:570-7926Melanie.gabriel@longbeach.gov">570-7926Melanie.gabriel@longbeach.gov</a></td>
</tr>
<tr>
<td>February 2008</td>
<td></td>
<td>The Department of Health and Human Services, City Attorney and City Prosecutor are responsible for inspections and enforcement of all other tobacco laws.</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; violation within 5 years – up to 30 day suspension</td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
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<tr>
<td>Population: 492,642</td>
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<td>3&lt;sup&gt;rd&lt;/sup&gt; violation within 5 years – permit may be revoked</td>
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<td>If permit is revoked, may not apply for new permit for 120 calendar days</td>
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<td>Any decision to suspend or revoke may be appealed</td>
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<tr>
<td>City of Pacifica</td>
<td>$300/Annually</td>
<td>The police department, business license department, and code enforcement officials are responsible for monitoring compliance. Any peace officer or code enforcement official may enforce the provisions. At least two compliance checks will be conducted for each tobacco retailer annually.</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; violation within 5 years – 10 day revocation</td>
<td>Bans mobile sales.</td>
<td>Derek Smith, Program Director, Tobacco Prevention Program, San Mateo County Health Department: [650] <a href="mailto:573-2012Dsmith1@co.sanmateo.ca.us">573-2012Dsmith1@co.sanmateo.ca.us</a> Or Amanda Cue, Senior Director of Prevention, Youth Leadership Institute: [650] <a href="mailto:347-4983acue@yli.org">347-4983acue@yli.org</a></td>
</tr>
<tr>
<td>February 2008</td>
<td></td>
<td>Tobacco retailers may engage in a settlement agreement with the city attorney after a first or second violation.</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; violation within 5 years – 30 day revocation</td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
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<tr>
<td>Population: 39,616</td>
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<td>3&lt;sup&gt;rd&lt;/sup&gt; violation within 5 years – 90 day revocation</td>
<td>Requires that no license may be granted to any business offering food or alcoholic beverages for sale for consumption on the premises.</td>
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<td>4&lt;sup&gt;th&lt;/sup&gt; violation within 5 years – 5 year revocation</td>
<td>Requires retailers to check the age of purchasers who appear to be under the age of 27.</td>
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<td>Community/Date</td>
<td>Fee</td>
<td>Enforcement Activities</td>
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<tr>
<td>County of Los Angeles December 2007</td>
<td>$250/Annual</td>
<td>Compliance checks are divided up between the County Sheriff's Department and the County Health Department.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health, (213) 351-7309</td>
<td>1st violation within 5 years — up to 30 day suspension, 2nd violation within 5 years — up to 60 day suspension, 3rd violation within 5 years — up to 90 day suspension.</td>
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<td>Community/Date Passed</td>
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<td>Enforcement Activities</td>
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<td>Population: 207,157</td>
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<td>Department, neighborhood service inspectors, and code enforcement, and permit investigators.</td>
<td>2nd violation within 5 years – up to 90 days suspension 3rd violation within 5 years – permit may be revoked</td>
<td>Requires retailers to check the age of purchasers who appear to be under the age of 27.</td>
<td>(323) 255-8030, <a href="mailto:guadalupe1@ah.org">guadalupe1@ah.org</a> or Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chreyes@ph.lacounty.gov">chreyes@ph.lacounty.gov</a></td>
</tr>
<tr>
<td>City of Moreno Valley</td>
<td>$350/Annual</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance.</td>
<td>1st violation within 5 years – 10 days revocation 2nd violation within 5 years – 30 days revocation 3rd violation within 5 years – 90 days revocation 4th violation within 5 years – 5 year revocation</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18 Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>September 2007</td>
<td></td>
<td>The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
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<td>Population: 183,680</td>
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<td>City of Davis</td>
<td>$348/Annual</td>
<td>The Yolo County Department of Environmental Health is responsible for administration of the ordinance.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 90 day revocation 3rd violation within 5 years – 1 year revocation 4th violation within 5 years – 5 year revocation</td>
<td>Bans mobile sales. Requires that clerks are the minimum legal age to purchase tobacco products. Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation. Bans tobacco sales or giveaways at bars or any location licensed to serve alcohol for on-site consumption.</td>
<td>Steven Jensen Yolo County Health Department, Tobacco Education Program: (530) 666-8616, <a href="mailto:steven.jensen@yolocounty.org">steven.jensen@yolocounty.org</a></td>
</tr>
<tr>
<td>August 2007</td>
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<td>The Yolo County District Attorney’s office handles enforcement and three sting operations per year.</td>
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<td>Population: 65,814</td>
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<tr>
<td>City of Desert Hot</td>
<td>$350/Annual</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30 days revocation</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222</td>
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<td>Springs</td>
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<td>August 2007</td>
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<td>Community/Date Passed</td>
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<td>The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years — 10 day revocation</td>
<td>to be under the age of 18</td>
<td><a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
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<td></td>
<td>2nd violation within 5 years — 30 day revocation</td>
<td>Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
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<td>3rd violation within 5 years — 90 day revocation</td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
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<td>4th violation within 5 years — 5 year revocation</td>
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<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
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<tr>
<td>City of Lake Elsinore</td>
<td>$350/Annual</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance.</td>
<td>1st violation within 5 years — 10 day revocation</td>
<td>Bans mobile sales.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>August 2007</td>
<td></td>
<td></td>
<td>2nd violation within 5 years — 30 day revocation</td>
<td>Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18</td>
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<tr>
<td>Population: 49,807</td>
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<td>3rd violation within 5 years — 90 day revocation</td>
<td>Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
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<td>4th violation within 5 years — 5 year revocation</td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
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<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
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<tr>
<td>City of Compton</td>
<td>$500/Annual</td>
<td>Municipal Law Enforcement Services shall be responsible for compliance. Any peace officer or law enforcement officer may enforce the provisions of this law. Compliance checks will be conducted for each retailer at least once per year.</td>
<td>1st violation within 3 years — (1) written warning; (2) advised of penalties for additional violations; (3) required to provide documentation that all employees have engaged in the retail sales of tobacco have received training in a city-approved program within 60 days after the warning; and (4) license suspended for 30 to 90 days</td>
<td>Bans mobile sales.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
</tr>
<tr>
<td>July 2007</td>
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<td></td>
<td>2nd violation within 3 years — up to one year suspension</td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
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<tr>
<td>Population: 99,242</td>
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<td>3rd violation within 3 years — license may be revoked</td>
<td>Requires that no license may be granted to any business offering food or alcoholic beverages for sale for consumption on the premises.</td>
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<td>Community/Date Passed</td>
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<tr>
<td>City of Coachella</td>
<td>$350/Annual Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance.</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>For a first or second violation, the retailer may enter a settlement with the city to pay a fine and get a reduced revocation.</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
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<tr>
<td>July 2007</td>
<td>Population: 40,517</td>
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<td>City of Calimesa</td>
<td>$350/Annual Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance.</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30 day revocation 3rd violation within 5 years – 90 day revocation 4th violation within 5 years – 5 year revocation</td>
<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>June 2007</td>
<td>Population: 7,530</td>
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<tr>
<td>City of Lomita</td>
<td>$150/Annual</td>
<td>The administrative services department, business license division and the community development department, neighborhood preservation division, shall be responsible for compliance. Any peace officer shall have the authority to revoke the license.</td>
<td>1st violation within 3 years – (1) written warning; (2) advised of penalties for additional violations; (3) required to provide documentation that all employees have engaged in the retail sales of tobacco have</td>
<td>Bans mobile sales. Requires that all tobacco-related products must be removed from public view during periods of suspension or revocation.</td>
<td>Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
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<tr>
<td>May 2007</td>
<td>Population: 21,056</td>
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<td>Community/Date Released</td>
<td>Fee</td>
<td>Enforcement Activities</td>
<td>Suspension/Revocation Schedule</td>
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<tr>
<td>City of McFarland</td>
<td>$165/Annual</td>
<td>Compliance monitored by the Kern County Environmental Health Services Department</td>
<td>Violators are subject to license suspension, administrative penalties, or both.</td>
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<td>May 2007</td>
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<td>License Suspension: 1st violation within 5 years — letter of reprimand</td>
<td>Bans mobile sales. Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Nsele Nsuangani, Project Director, Kern County Department of Public Health: (661) 868-0489, <a href="mailto:nsuanganin@co.kern.ca.us">nsuanganin@co.kern.ca.us</a></td>
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<tr>
<td>Population: 13,390</td>
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<td>2nd violation within 5 years — up to 30-day suspension</td>
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<td>3rd violation within 5 years — up to 90-day suspension</td>
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<td>4th violation within 5 years — up to 180-day suspension or revocation</td>
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<td>Administrative Penalties: 1st violation within 1 year — penalty up to $250</td>
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<td>2nd violation within 1 year — penalty up to $500</td>
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<td>3rd violation within 1 year — penalty up to $750</td>
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<tr>
<td>City of Wasco</td>
<td>$135/Annual</td>
<td>Compliance monitored by the Kern County Environmental Health Services Department</td>
<td>Violators are subject to license suspension, administrative penalties, or both.</td>
<td>Bans mobile sales. Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Nsele Nsuangani, Project Director, Kern County Department of Public Health: (661) 868-0489, <a href="mailto:nsuanganin@co.kern.ca.us">nsuanganin@co.kern.ca.us</a></td>
</tr>
<tr>
<td>March 2007</td>
<td></td>
<td></td>
<td>License Suspension: 1st violation within 5 years —</td>
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<tr>
<td>Population: 24,999</td>
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<tr>
<td>Community/Date Passed</td>
<td>Fee</td>
<td>Enforcement/Activities</td>
<td>Suspension/Revocation Schedule</td>
<td>Additional Provisions</td>
<td>Local Contact</td>
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<tr>
<td>City of California</td>
<td>$165/Annual</td>
<td>Compliance monitored by the Kern County Environmental</td>
<td>Violators are subject to license suspension, administrative penalties, or both.</td>
<td>Bans mobile sales.</td>
<td>Nsale Nsuanani, Project Director, Kern County Department of Public Health: (661) 868-0489,</td>
</tr>
<tr>
<td>City</td>
<td></td>
<td>Health Services Department</td>
<td></td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td><a href="mailto:nsuanani@co.kern.ca.us">nsuanani@co.kern.ca.us</a></td>
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<tr>
<td>City February 2007</td>
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<td></td>
<td></td>
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<tr>
<td>Population: 14,365</td>
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<tr>
<td>City of Tehachapi</td>
<td>$165/Annual</td>
<td>Compliance monitored by the Kern County Environmental</td>
<td>Violators are subject to license suspension, administrative penalties, or both.</td>
<td>Bans mobile sales.</td>
<td>Nsale Nsuanani, Project Director, Kern County Department of Public Health: (661) 868-0489,</td>
</tr>
<tr>
<td>February 2007</td>
<td></td>
<td>Health Services Department</td>
<td></td>
<td>Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td><a href="mailto:nsuanani@co.kern.ca.us">nsuanani@co.kern.ca.us</a></td>
</tr>
<tr>
<td>Population: 13,089</td>
<td></td>
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<tr>
<td>Community/Date Passed</td>
<td>Fee</td>
<td>Enforcement Activities</td>
<td>Suspension/Revocation Schedule</td>
<td>Additional Provisions</td>
<td>Local Contact</td>
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<tr>
<td>City of Burbank</td>
<td></td>
<td>Compliance monitored by the Burbank Police Department.</td>
<td>2nd violation within 5 years – up to 30-day suspension 3rd violation within 5 years – up to 90-day suspension 4th violation within 5 years – up to 180-day suspension or revocation Administrative Penalties: 1st violation within 1 year – penalty up to $250 2nd violation within 1 year – penalty up to $500 3rd violation within 1 year – penalty up to $1,000</td>
<td>All applicants for a Tobacco Retailer’s Permit must submit verification that they have attended a training program provided or approved by the County’s Public Health Services Department on the laws related to the sale of tobacco products in California.</td>
<td>Alisha Lopez, Director, Tobacco Prevention Program, Valley Community Clinic: (818) 301-6311, <a href="mailto:aclopez@vallevclinic.org">aclopez@vallevclinic.org</a> or Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
</tr>
<tr>
<td>February 2007</td>
<td>$235 Initially $200 Renewal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population: 108,029</td>
<td></td>
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<tr>
<td>City of Beaumont</td>
<td>$350/Annual Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance.</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30 day revocation 3rd violation within 5 years – 90 day revocation 4th violation within 5 years – 5 year revocation</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18 Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>December 2006</td>
<td></td>
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<tr>
<td>Population: 31,477</td>
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<tr>
<td>Community/Date Passed</td>
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<tr>
<td>City of Nevada City</td>
<td>$100/annual</td>
<td>Compliance is monitored by the Nevada City Police Department. The Department will check compliance with youth access laws at least one time per year.</td>
<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
<td>removed from public view during periods of suspension or revocation.</td>
<td>Felicia Sobonya, Nevada County Tobacco Use Prevention Coordinator: (530) 265-7018, <a href="mailto:felicia.sobonya@co.nevada.ca.us">felicia.sobonya@co.nevada.ca.us</a></td>
</tr>
<tr>
<td>November 2006</td>
<td>Population: 3,074</td>
<td></td>
<td>License will be revoked after a violation of the ordinance.</td>
<td>Bans mobile sales.</td>
<td></td>
</tr>
<tr>
<td>City of Sierra Madre</td>
<td>$400/annual</td>
<td>Compliance monitored by the Sierra Madre Police Department.</td>
<td>1st violation within 5 years — no new license may be issued until 30 days after revocation.</td>
<td>Requires retailers to check the age of purchasers who appear to be under the age of 27.</td>
<td>Wesley Reutimann, Day One: (626) 229-9750, <a href="mailto:wesley@dayonepasadena.com">wesley@dayonepasadena.com</a> or Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
</tr>
<tr>
<td>November 2006</td>
<td>Population: 11,116</td>
<td></td>
<td>2nd violation within 5 years — no new license may be issued until 90 days after revocation.</td>
<td>Requires that clerks are the minimum legal age to purchase tobacco products (currently 18).</td>
<td></td>
</tr>
<tr>
<td>City of Carson</td>
<td>$500/annual</td>
<td>Compliance monitored by the LA County Sheriff's Department — Carson Station. City peace officers and code enforcement officers are authorized to enforce the ordinance. Enforcement officers shall</td>
<td>3rd violation within 5 years — no new license may be issued until 90 days after revocation.</td>
<td>Bans mobile sales.</td>
<td>Seumaninoa Puaina, Outreach Worker, Office of Samoan Affairs: (310) 538-0555, <a href="mailto:spuaina@samoanaffairs.org">spuaina@samoanaffairs.org</a> or</td>
</tr>
<tr>
<td>November 2006</td>
<td>Population: 97,960</td>
<td></td>
<td>4th violation within 5 years — no new license may be issued until 9 years after revocation.</td>
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</tr>
</tbody>
</table>

**Note:** The information provided is a snapshot of the enforcement activities and penalties for tobacco-related violations in the respective communities. For detailed enforcement activities, suspension, revocation, and additional provisions, please refer to the original document. The local contacts listed are for information purposes and may not reflect the current status or contact information.
<table>
<thead>
<tr>
<th>Community/Date Passed</th>
<th>Fee</th>
<th>Enforcement Activities</th>
<th>Suspension/Revocation Schedule</th>
<th>Additional Provisions</th>
<th>Local Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County, November 2006</td>
<td>$165/Annual</td>
<td>Compliance monitored by the Kern County Environmental Health Services Department.</td>
<td>1st violation within 5 years — up to 30-day suspension&lt;br&gt;2nd violation within 5 years — up to 90-day suspension&lt;br&gt;3rd violation within 5 years — up to 180-day suspension or revocation&lt;br&gt;Administrative Penalties: 1st violation within 1 year — penalty up to $250&lt;br&gt;2nd violation within 1 year — penalty up to $500&lt;br&gt;3rd violation within 1 year — penalty up to $1,000</td>
<td>Bans mobile sales.&lt;br&gt;Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.&lt;br&gt;All applicants for a Tobacco Retailer’s Permit must submit verification that they have attended a training program provided or approved by the County’s Public Health Services Department on the laws related to the sale of tobacco products in California.</td>
<td>Nasie Nsuangani, Project Director, Kern County Department of Public Health: (661) 868-0489, <a href="mailto:nsuanganin@co.kern.ca.us">nsuanganin@co.kern.ca.us</a></td>
</tr>
<tr>
<td>City of Santa Ana, October 2006</td>
<td>$835/annual</td>
<td>Compliance monitored by the Santa Ana Police Department and the City will contract with the California Department of Health Services, Food &amp; Drug Branch to do regular compliance checks.</td>
<td>1st violation — up to 60-day suspension&lt;br&gt;2nd violation within 5 years — up to 120-day suspension&lt;br&gt;3rd violation within 5 years — up to 180-day suspension&lt;br&gt;4th violation — license may be</td>
<td>Bans mobile sales.</td>
<td>Andrea Portenier, Health Educator, Tobacco Use Prevention Program: (714) 834-7403, <a href="mailto:aportenier@ochca.com">aportenier@ochca.com</a></td>
</tr>
<tr>
<td>Community/Date Passed</td>
<td>Fee</td>
<td>Enforcement Activities</td>
<td>Suspension/Revocation Schedule</td>
<td>Additional Provisions</td>
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<tr>
<td>City of Concord</td>
<td>$160/Annual</td>
<td>Compliance monitored by the Concord Police Department and any other City designee.</td>
<td>1st violation within 2 years - up to 30-day suspension. 2nd violation within 2 years - up to 90-day suspension. Subsequent violations within 2 years - 1 Year suspension.</td>
<td>Requires retailers to check the age of purchasers who appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Denice Dennis, Project Director, Contra Costa Health Services: (925) 313-6825, <a href="mailto:ddennis@hsd.cccounty.us">ddennis@hsd.cccounty.us</a></td>
</tr>
<tr>
<td>September 2006</td>
<td></td>
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<tr>
<td>Population: 123,776</td>
<td></td>
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<tr>
<td>City of Banning</td>
<td>$350/Annual</td>
<td>Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance. The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years - 10 day revocation 2nd violation within 5 years - 30 day revocation 3rd violation within 5 years - 90 day revocation 4th violation within 5 years - 5 year revocation For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18 Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>August 2006</td>
<td></td>
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<tr>
<td>Population: 28,348</td>
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<tr>
<td>City of San Jacinto</td>
<td>$350/Annual</td>
<td>Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance. The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years - 10 day revocation 2nd violation within 5 years - 30-day revocation 3rd violation within 5 years - 90-day revocation 4th violation within 5 years - 5 year revocation For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18 Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
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<tr>
<td>June 2006</td>
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<tr>
<td>Population: 35,672</td>
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Center for Tobacco Policy & Organizing, May 4, 2009
<table>
<thead>
<tr>
<th>Community/Date Passed</th>
<th>Fee</th>
<th>Enforcement Activities</th>
<th>Suspension/Revocation Schedule</th>
<th>Additional Provisions</th>
<th>Local Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Riverside May 2006</td>
<td>$350/Annual Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance.</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30-day revocation 3rd violation within 5 years – 90-day revocation 4th violation within 5 years – 5 year revocation</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18 Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>Yolo County May 2006</td>
<td>$340/Annual Fee paid to the County of Yolo to conduct the administration and enforcement of the ordinance.</td>
<td>The Department of Environmental Health is responsible for administration of the ordinance. The District Attorney's office handles enforcement and three sting operations per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 90 day revocation 3rd violation within 5 years – 1 year revocation 4th violation within 5 years – 5 year revocation</td>
<td>Bans mobile sales. Requires that clerks are the minimum legal age to purchase tobacco products. Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation. Bans tobacco sales or giveaways at bars or any location licensed to serve alcohol for on-site consumption. Provides that a violation of the ordinance is a public and private nuisance and can be enforced by the District Attorney or any member of the public.</td>
<td>Steven Jensen, Yolo County Health Department, Tobacco Education Program: (530) 666-8616, <a href="mailto:steven.jensen@yolocounty.org">steven.jensen@yolocounty.org</a></td>
</tr>
<tr>
<td>City of Murrieta May 2006</td>
<td>$350/Annual Fee paid to the County of Riverside to conduct the administration and enforcement of the ordinance.</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30 day revocation 3rd violation within 5 years – 90 day revocation 4th violation within 5 years – 5 year revocation</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18 Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
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<tr>
<td>City of Hollister May 2006</td>
<td>$269/annual</td>
<td>Code enforcement and peace officers are responsible for enforcement of the ordinance. Each tobacco retailer shall be monitored for compliance at least one time per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30 day revocation; if violation occurs within one year of first violation, there is also a $250 fine. 3rd violation within 5 years – 90 day revocation; if violation occurs within one year of second violation, there is also a $500 fine. 4th violation within 5 years – 5 year revocation and $1,000 fine.</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation. Authorizes the city attorney to enter into settlement agreements with retailers after a first or second violation.</td>
<td>Samela Perez San Benito County Public Health Services, Tobacco Education and Prevention Program: (831)636-4011, <a href="mailto:smp@sanbenitoco.org">smp@sanbenitoco.org</a></td>
</tr>
<tr>
<td>City of Norco March 2006</td>
<td>$350/Annual</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance. The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>1st violation within 5 years – 10 day revocation 2nd violation within 5 years – 30-day revocation 3rd violation within 5 years – 90-day revocation 4th violation within 5 years – 5 year revocation For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
<td>Bans mobile sales. Requires retailers to check the age of purchasers who reasonably appear to be under the age of 18. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>City of Richmond January 2006</td>
<td>Fee not set yet by City</td>
<td>Compliance shall be monitored by the Richmond Police Department and the Chief of Police.</td>
<td>1st violation within 2 years – up to 60 day suspension 2nd violation within 2 years – up to 120 day suspension</td>
<td>Requires that all tobacco-related products and paraphernalia must be removed from public view during periods of suspension.</td>
<td>Denice Dennis, Project Director, Contra Costa Health Services: (925) 313-6825, <a href="mailto:ddennis@hsd.cccounty.us">ddennis@hsd.cccounty.us</a></td>
</tr>
<tr>
<td>Community/Date Passed</td>
<td>Fee</td>
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<tr>
<td>City of Vista May 2005</td>
<td>$250/Annual</td>
<td>Richmond Police Department must notify the Police Department if an employee sells tobacco products to minors.</td>
<td>3rd violation within 2 years — up to 1 year suspension</td>
<td>Provides for timely appeals and hearings before the City Manager.</td>
<td>Gena Knutson, Vista Community Clinic (760) 407-1220 ext. 165, <a href="mailto:genakn@vistacommunityclinic.org">genakn@vistacommunityclinic.org</a></td>
</tr>
<tr>
<td>City of Corona October 2005</td>
<td>$350/Annual</td>
<td>The ordinance also provides incentives for retailers to lower the cost of the fee: see &quot;Additional Provisions&quot; at right.</td>
<td>The ordinance also provides incentives for retailers to lower the cost of the fee: see &quot;Additional Provisions&quot; at right.</td>
<td>Bans mobile sales.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 687-2222 <a href="mailto:mmbaxter@co.rivc.des.ca.us">mmbaxter@co.rivc.des.ca.us</a></td>
</tr>
<tr>
<td>City of Grover Beach September 2005</td>
<td>$224/Annual</td>
<td>Compliance shall be monitored by the Grover Beach Police Department. At least four compliance checks of each tobacco retailer shall be conducted during each twelve-month period.</td>
<td>1st violation within 5 years — 10 day revocation</td>
<td>Bans mobile sales.</td>
<td>Amber Alewine, Health Education Specialist, County of San Luis Obispo Health Agency: (805) 781-1157 <a href="mailto:aalewine@co.slo.ca.us">aalewine@co.slo.ca.us</a></td>
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Population: 95,770
Population: 147,428
Population: 13,213
<table>
<thead>
<tr>
<th>Community/Date Passed</th>
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<th>Enforcement Activities</th>
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<tbody>
<tr>
<td>Riverside County</td>
<td>$350/Annual</td>
<td>The Riverside County Health Department is responsible for the enforcement of the ordinance.</td>
<td>1st violation within 5 years – 10 day revocation.</td>
<td>Bans mobile sales. Requires that retailers to check the age of purchasers who reasonably appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>September 2005</td>
<td></td>
<td>The Department will check compliance with the law at each retailer at least three times per year.</td>
<td>2nd violation within 5 years – 30-day revocation.</td>
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<td>Population: 554,571 (in unincorporated areas)</td>
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<td>The Department may check known compliers less than three times per year in order to increase visits to known offenders.</td>
<td>3rd violation within 5 years – 90-day revocation.</td>
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<td>4th violation within 5 years – 5 year revocation.</td>
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<td>For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
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<td>Periods of suspension or revocation.</td>
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<tr>
<td>City of Los Angeles</td>
<td>$300/Annual</td>
<td>The City Attorney’s office contracts with the California Department of Health Services, Food &amp; Drug Branch to do regular compliance checks.</td>
<td>1st violation within 5 years – letter of reprimand from the City Attorney.</td>
<td>Bans mobile sales. Requires that all tobacco-related products and paraphernalia must be removed from public view during periods of suspension. Sets up a system for appeals and review hearings in a timely manner before the Police Permit Review Panel. Provides criminal penalties for unlicensed retailers and those who fail to comply with suspension periods.</td>
<td>Nora Manzanilla, City Attorney’s Office: (213) 978-7742, <a href="mailto:nmanzan@attty.lacity.org">nmanzan@attty.lacity.org</a> or Christina Reyes, MPH, Research Analyst, Tobacco Control and Prevention Program, LA County Dept. of Public Health: (213) 351-7309 <a href="mailto:chrreyes@ph.lacounty.gov">chrreyes@ph.lacounty.gov</a></td>
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<tr>
<td>September 2005</td>
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<td>Investigatory program staff conducts citywide retailer inspections.</td>
<td>2nd violation within 5 years – 30-day suspension.</td>
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<tr>
<td>Population: 4,045,873</td>
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<td>There is a dedicated city prosecutor for this program.</td>
<td>3rd violation within 5 years – 90-day suspension.</td>
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<td>4th violation within 5 years – one year suspension.</td>
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<tr>
<td>City of Arroyo Grande</td>
<td>$208/Annual</td>
<td>The Arroyo Grande Police Department will conduct at least 4 compliance checks of each tobacco retailer each year.</td>
<td>1st violation within 5 years – 30-day suspension.</td>
<td>Bans mobile sales. Bans sales at locations licensed to sale alcoholic beverages for consumption on the premises (bars). Requires that all tobacco-related products and advertising must be removed from public view during periods of suspension or revocation.</td>
<td>Amber Alewine, Health Education Specialist, County of San Luis Obispo Health Agency: (805) 781-1157 <a href="mailto:aalewine@co.slo.ca.us">aalewine@co.slo.ca.us</a></td>
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<td>February 2005</td>
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<td>2nd violation within 5 years – 90-day suspension.</td>
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<td>Population: 17,036</td>
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<td>3rd violation within 5 years - one</td>
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<td>Community/Date Passed</td>
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<tr>
<td>City of Rancho Cordova February 2005</td>
<td>$287/Annual</td>
<td>Police will conduct compliance checks of all retailers several times per year. Code enforcement will check on violations other than youth access.</td>
<td>1st violation within 5 years – 30-day suspension. 2nd violation within 5 years – 90-day suspension. 3rd violation within 5 years – one year suspension. 4th violation within 5 years – the license shall be revoked.</td>
<td>Requires that all tobacco-related products and paraphernalia must be removed from public view during periods of suspension or revocation.</td>
<td>Yvonne Rodriguez, Health Program Coordinator County of Sacramento Chronic Disease Prevention Program: (916) 875-6494, rodriguezyv@saccountynet Or Carolyn Martin, Sacramento Tobacco Retail Licensing Task Force: (916) 489-5293 <a href="mailto:March76@aol.com">March76@aol.com</a></td>
</tr>
<tr>
<td>City of Elk Grove September 2004</td>
<td>$270/Annual</td>
<td>The Elk Grove Police Department will conduct an annual inspection of all retailers as well as quarterly youth decoy operations of randomly selected retailers.</td>
<td>1st violation within 5 years – 30-day suspension. 2nd violation within 5 years – 90-day suspension. 3rd violation within 5 years – one year suspension. 4th violation within 5 years – the license shall be revoked.</td>
<td>Bans mobile sales.</td>
<td>Yvonne Rodriguez, Health Program Coordinator County of Sacramento Chronic Disease Prevention Program: (916) 875-6494, rodriguezyv@saccountynet Or Carolyn Martin, Sacramento Tobacco Retail Licensing Task Force: (916) 489-5293 <a href="mailto:March76@aol.com">March76@aol.com</a></td>
</tr>
<tr>
<td>City of El Cajon June 2004</td>
<td>$198/Annual</td>
<td>The City Finance Department will conduct compliance checks of each retailer once per year per retailer. Any peace officer or code enforcement officer may also enforce the ordinance.</td>
<td>1st violation within 5 years – 30-day suspension. Alternatively, the retailer may pay an administrative fine in lieu of the suspension. The fine does not expunge the violation. 2nd violation within 5 years – 90-day suspension. And if the violation occurs within 12 months of the first, an administrative fine will be issued. 3rd violation within 5 years – one year suspension. And if the violation occurs within 12 months of the first, an administrative fine will be issued.</td>
<td>Bans mobile sales. Bans sales in businesses that sell either food or alcohol for consumption on the premises (restaurants and bars). Requires retailers to check the age of purchasers who &quot;reasonably appear&quot; to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco-related products, paraphernalia, and advertising must be removed from premises.</td>
<td>Debbie Kelley, American Lung Association of San Diego: (619) 297-3901 <a href="mailto:debbie@lungandsd.org">debbie@lungandsd.org</a> Or Lorenzo Higley, Director of Program Services at Communities Against Substance Abuse: (619) 442-2727, <a href="mailto:programservicesdir@eccasa.org">programservicesdir@eccasa.org</a></td>
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<td>Community/Date Passed</td>
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<td>Sacramento County</td>
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<td>May 2004</td>
<td>$324/Annual</td>
<td>Each store will receive a visual inspection annually by the Environmental Health Division (code inspectors). The Sheriff's department will conduct compliance checks at a percentage of retailers each year.</td>
<td>For violations involving the sale to a minor of tobacco or tobacco products: 1st violation within 3 years – 30-day suspension. 2nd violation within 3 years – 90-day suspension. 3rd violation within 3 years – 1 Year suspension. 4th violation within 3 years – the license shall be revoked</td>
<td>Bans mobile sales. In addition to youth decoy operations, the fee pays for the Health Department’s youth purchase surveys.</td>
<td>Yvonne Rodriguez, Health Program Coordinator County of Sacramento Chronic Disease Prevention Program: (916) 875-6494, <a href="mailto:ruhl_yvonne@sacounty.net">ruhl_yvonne@sacounty.net</a> Or Carolyn Martin, Sacramento Tobacco Retail Licensing Task Force: (916) 489-5293, <a href="mailto:marco278@aol.com">marco278@aol.com</a></td>
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<td>Population: 563,514 (in unincorporated areas)</td>
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<td>City of Sacramento</td>
<td>$300/Annual</td>
<td>Together, the city police department and the code enforcement division will conduct youth decoy enforcement (compliance checks).</td>
<td>1st violation within 5 years – 30-day suspension. 2nd violation within 5 years – 90-day suspension. 3rd violation within 5 years – 12 months of the first, an administrative fine will be issued.</td>
<td>Bans mobile sales. Requires that all tobacco products and tobacco paraphernalia must be removed from public view during periods of suspension or revocation.</td>
<td>Yvonne Rodriguez, Health Program Coordinator County of Sacramento Chronic Disease Prevention Program: (916) 875-6494, <a href="mailto:ruhl_yvonne@sacounty.net">ruhl_yvonne@sacounty.net</a> Or Carolyn Martin, Sacramento Tobacco Retail Licensing Task Force: (916) 489-5293, <a href="mailto:marco278@aol.com">marco278@aol.com</a></td>
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<td>March 2004</td>
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<td>Population: 475,740</td>
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<td>Community/Date Passed</td>
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<td>City of Pasadena</td>
<td>$225/Annual</td>
<td>Code Enforcement Officers will also conduct visual site inspections. 2.0 FTE were added to the Code Enforcement Division.</td>
<td>one year suspension.</td>
<td>in addition to youth decoy operations, the fee pays for the Health Department’s youth purchase surveys.</td>
<td>Carolyn Martin, Sacramento Tobacco Retail Licensing Task Force: (916) 489-5209, <a href="mailto:Marchb76@aol.com">Marchb76@aol.com</a></td>
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<tr>
<td>Passed February 2004</td>
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<td>4th violation within 5 years - the license shall be revoked.</td>
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<td>Population: 148,126</td>
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<td>Code Enforcement Officers will also conduct visual site inspections. 2.0 FTE were added to the Code Enforcement Division.</td>
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<tr>
<td>City of San Luis Obispo</td>
<td>$278/Annual</td>
<td>Code Enforcement Officers will also conduct visual site inspections. 2.0 FTE were added to the Code Enforcement Division.</td>
<td>one year suspension.</td>
<td>in addition to youth decoy operations, the fee pays for the Health Department’s youth purchase surveys.</td>
<td>Amber Alewine, Health Education Specialist, County of San Luis Obispo Health Agency: (805) 781-1157 <a href="mailto:agalewine@co.slo.ca.us">agalewine@co.slo.ca.us</a></td>
</tr>
<tr>
<td>August 2003</td>
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<td>Code Enforcement Officers will also conduct visual site inspections. 2.0 FTE were added to the Code Enforcement Division.</td>
<td>4th violation within 5 years - the license shall be revoked.</td>
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<tr>
<td>Population: 44,697</td>
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<td>Code Enforcement Officers will also conduct visual site inspections. 2.0 FTE were added to the Code Enforcement Division.</td>
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## Other Retailer Licensing Ordinances

The ordinances passed by the previous communities listed include fees that pay for comprehensive enforcement programs and compliance checks. These ordinances, along with the TALC model ordinance, are the best examples because of the fees that cover administration and enforcement. The last seven ordinances are still strong, but they do not have dedicated fees to pay for enforcement. The enforcement and compliance checks in these ordinances are funded through other stable and sustainable sources.

<table>
<thead>
<tr>
<th>Community/Date Passed</th>
<th>Fee</th>
<th>Enforcement Activities</th>
<th>Suspension/Revocation Schedule</th>
<th>Additional Provisions</th>
<th>Local Contact</th>
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<tbody>
<tr>
<td>City of Temecula June 2006</td>
<td>No fee planned, but could be adopted later.</td>
<td>Compliance can be monitored by any peace officer. City pays for enforcement activities through existing funds.</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; violation within 5 years – 10 day revocation. 2&lt;sup&gt;nd&lt;/sup&gt; violation within 5 years – 30-day revocation. 3&lt;sup&gt;rd&lt;/sup&gt; violation within 5 years – 90-day revocation. 4&lt;sup&gt;th&lt;/sup&gt; violation within 5 years – 5 year revocation. For the first and second violation the retailer can enter a settlement with the County to pay a fine and get a reduced revocation.</td>
<td>Requires retailers to check the age of purchasers who reasonably appear to be under the age of 27. Requires that clerks are the minimum legal age to purchase tobacco products (currently 18). Requires that all tobacco products and advertisements must be removed from public view during periods of suspension or revocation. Bans mobile sales.</td>
<td>Martin Baxter, Senior Health Educator, Riverside County Public Health Department: (760) 778-2222 <a href="mailto:mbaxter@co.riverside.ca.us">mbaxter@co.riverside.ca.us</a></td>
</tr>
<tr>
<td>City of San Francisco November 2003</td>
<td>$175/Annual Licensing Fee $50/one time application and initial inspection fee</td>
<td>Environmental Health Inspectors will conduct 2 routine visual site inspections per-retailer per-year. (Note: San Francisco had a strong ongoing enforcement program in place before their licensing ordinance was passed. The police department does approximately 45 enforcement operations at retail outlets every month. The cost of this program is paid for through MSA monies and therefore these enforcement costs were not included in the license fee.)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; violation – up to 90-day suspension 2&lt;sup&gt;nd&lt;/sup&gt; violation within 12 months – up to 6-month suspension Each subsequent violation within 12 months – up to one year suspension.</td>
<td>In addition to the suspension schedule, the following administrative penalties may be assessed: $100 for the first violation, $200 for a second violation, and not to exceed $500 for the third and each subsequent violation.</td>
<td>Abyonik Hrushow Project Director, Tobacco Control, San Francisco Department of Public Health: (415) 581-2447, <a href="mailto:Abyonik-Hrushow@sfdph.org">Abyonik-Hrushow@sfdph.org</a></td>
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<tr>
<td>Contra Costa County January 2003</td>
<td>$160/Annual</td>
<td>Health Services Department (tobacco) staff will conduct site visits to the stores on an annual basis to enforce the licensing</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; violation – up to 30-day suspension. 2&lt;sup&gt;nd&lt;/sup&gt; violation within 2 years – up</td>
<td>Bans mobile sales. Requires that all tobacco-related products must be removed from public view.</td>
<td>Denice Dennis, Project Director, Contra Costa Health Services: (925) 313-6825,</td>
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<tr>
<td>Community/Date Passed</td>
<td>Fee</td>
<td>Enforcement Activities</td>
<td>Suspension/Revocation Schedule</td>
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<td>unincorporated areas)</td>
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<td>ordinance and self-service display ban. This activity is paid for through the license fee. The Sheriff's Office will conduct 100 sting operations each year using other funding sources.</td>
<td>to 90-day suspension. 3rd violation and subsequent violations within 2 years – up to one year suspension.</td>
<td>view during periods of suspension or revocation.</td>
<td><a href="mailto:ddennis@hsd.cccounty.us">ddennis@hsd.cccounty.us</a></td>
</tr>
<tr>
<td>City of Berkeley December 2002</td>
<td>$427/Annual</td>
<td>Environmental Health Specialists will conduct three visual site inspections per retailer per year. 0.5 FTE was added to the Environmental Health Department.</td>
<td>1st violation within 5 years – up to 30 day suspension. 2nd violation within 5 years – up to 90 day suspension. 3rd violation within 5 years – up to one year suspension. 4th violation within 5 years – the license may be revoked.</td>
<td>Requires that all tobacco products must be removed from public view during periods of suspension or revocation.</td>
<td>Marcia Brown-Machen, Program Director, City of Berkeley Health Department: (510) 981-5309, <a href="mailto:MBrown-Machen@ci.berkeley.ca.us">MBrown-Machen@ci.berkeley.ca.us</a></td>
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<tr>
<td>Population: 106,697</td>
<td>With a 3.5% annual increase for COLA</td>
<td>(Note: Berkeley's fee does not pay for PC 308 compliance checks. The city's police department had an ongoing program to conduct bi-annual compliance checks of randomly selected stores. The police department absorbs the related costs of these operations.)</td>
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<tr>
<td>City of Santa Barbara June 2002</td>
<td>$30/Annual</td>
<td>Enforcement will be handled by the Santa Barbara Police Department. MSA funds are used to conduct compliance checks.</td>
<td>1st violation within 2 years – letter of warning 2nd violation within 2 years – 30-day suspension 3rd violation within 2 years – 90-day suspension 4th violation within 2 years – 1-year suspension</td>
<td>Bans mobile sales.</td>
<td>Dawn Dunn, Program Administrator, Tobacco Prevention Settlement Program, Santa Barbara County Public Health Department: (805) 681-5407, <a href="mailto:Dunn.dunn@sbphd.org">Dunn.dunn@sbphd.org</a></td>
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<tr>
<td>Population: 90,305</td>
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<td>City of Goleta November 2001</td>
<td>$30/Annual</td>
<td>Enforcement will be handled by the Santa Barbara County Public Health Department. MSA funds are used to conduct compliance checks.</td>
<td>1st violation within 2 years – letter of warning 2nd violation within 2 years – 30-day suspension 3rd violation within 2 years – 90-day suspension 4th violation within 2 years – 1-year suspension</td>
<td>Bans mobile sales.</td>
<td>Dawn Dunn, Program Administrator, Tobacco Prevention Settlement Program, Santa Barbara County Public Health Department: (805) 681-5407, <a href="mailto:Dunn.dunn@sbphd.org">Dunn.dunn@sbphd.org</a></td>
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<tr>
<td>Population: 30,400</td>
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<tr>
<td>County of Santa Barbara</td>
<td>$30/Annual</td>
<td>Enforcement will be handled by the Public Health Department.</td>
<td>1st violation within 2 years – letter of warning</td>
<td>Bans mobile sales.</td>
<td>Dawn Dunn, Program Administrator, Tobacco</td>
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<tr>
<td>Community/Date Passed</td>
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<tr>
<td>November 2001</td>
<td></td>
<td>MSA funds are used to conduct compliance checks.</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; violation within 2 years – 30-day suspension</td>
<td></td>
<td>Prevention Settlement Program, Santa Barbara County Public Health Department: (805) 681-5407, <a href="mailto:dawndunn@sbcphd.org">dawndunn@sbcphd.org</a></td>
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<tr>
<td>Population: 142,816 (in unincorporated areas)</td>
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<td>3&lt;sup&gt;rd&lt;/sup&gt; violation within 2 years – 90-day suspension</td>
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<td>4&lt;sup&gt;th&lt;/sup&gt; violation within 2 years – 1-year suspension</td>
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</table>

Sources: Population figures are from the State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2007 and 2008. This material was made possible by funds received from the California Department of Public Health, under contract #04-35335.
TO: Health and Safety Commissioners
FROM: Kathy Ryan, Commission Secretary
DATE: March 22, 2010
SUBJECT: Information from Tobacco Retailers

The following attachments were provided to staff by attendees of the Tobacco Retailer meeting on March 15th. These items are for your information only.
To: The Beverly Hills Chamber of Commerce, the City Staff,  
and the Health & Safety Commission of the City of Beverly Hills,

We are a family owned business with a small store ~ at the same location in Beverly Hills for over 60 years.  
There are just the two of us working in our shop.  
We card anyone who looks the least bit under age.  

The state of California has a program in which they send underage kids into stores to try and buy cigarettes. The stores that sell to these kids are fined and could lose their tobacco license.  
The stores that card and refuse to sell to these young people receive letters of commendation ~ and we have received only letters of commendation through the years.  

Very few kids under 18 years of age try to buy cigarettes. They take them from their parents or get them from older friends.  

Cigarettes are no longer the drug of choice for underage children ~ marijuana and alcohol are a bigger concern.  

As a recent news brief from the Department of Health and Services points out, inhalants are a bigger danger for the youth. These can be bought at any market or drug store - legally at any age, or can be found in the home.  

It is easier to buy cigarettes over the Internet, than from our store.  

Respectfully,  
Jim Keller and Marsha Kramer Keller
Quantity and Frequency of Alcohol Use among Underage Drinkers

In Brief

- Combined 2005 and 2006 data indicate that an annual average of 28.3 percent of persons aged 12 to 20 in the United States (an estimated 10.8 million persons annually) drank alcohol in the past month.

- Past month alcohol users aged 12 to 20 drank on an average of 5.9 days in the past month and consumed an average of 4.9 drinks per day on the days they drank in the past month.

- Underage drinkers aged 12 to 20 consumed, on average, more drinks per day on the days they drank in the past month than persons aged 21 or older (4.9 vs. 2.8 drinks).

In 2006, a majority (53.9 percent) of American adolescents and young adults aged 12 to 20 had used an alcoholic beverage at least once in their lifetime. Young people aged 12 to 20 consumed approximately 11.2 percent of the alcoholic drinks consumed in the United States in the past month by persons aged 12 or older. Research shows that underage drinkers tend to consume more alcohol per occasion than those over the legal minimum drinking age of 21. Studies also have linked early drinking to heavy alcohol consumption and alcohol-related problems in adulthood. For example, in 2006, 15.3 percent of adults aged 21 or older who had first used alcohol before the age of 15 met the criteria for alcohol dependence or abuse in the past year compared with 2.4 percent of adults who first used alcohol at age 21 or older. Research also shows that early initiation of alcohol use is associated with higher likelihood of involvement in violent behaviors, suicide attempts, unprotected sexual intercourse, and multiple sex partners.
The National Survey on Drug Use and Health (NSDUH) asks persons aged 12 or older to report the frequency and quantity of their alcohol use during the 30 days prior to the interview. Respondents who drank alcohol in the past 30 days also are asked for the number of days they consumed alcohol in the past month and the average number of drinks consumed per day on the days they drank.

This report focuses on the frequency and quantity of past month alcohol use among underage drinkers (i.e., persons aged 12 to 20 who consume alcohol). Comparisons of the quantity and frequency of alcohol use in the past month also are made between underage drinkers and drinkers aged 21 or older. All findings presented in this report are based on combined 2005 and 2006 NSDUH data.

### Past Month Alcohol Use

Combined 2005 and 2006 data indicate that an annual average of 28.3 percent of persons aged 12 to 20 in the United States (an estimated 10.8 million persons annually) drank alcohol in the past month. Rates of past month alcohol use among persons aged 12 to 20 varied by demographic characteristics. Young adults aged 18 to 20 were 3 times as likely as youths aged 12 to 17 to have used alcohol in the past month (51.4 vs. 16.6 percent) (Table 1). Underage males were more likely than their female counterparts to have drunk alcohol in the past month (29.1 vs. 27.5 percent). Across racial/ethnic groups, the rate of past month alcohol use among persons aged 12 to 20 ranged from 17.6 percent among Asians to 32.3 percent among whites.

### Number of Days of Alcohol Use in the Past Month

Past month alcohol users aged 12 to 20 drank on an average of 5.9 days in the past month (Figure 1). Underage drinkers aged 18 to 20 consumed alcohol on more days in the past month than those aged 12 to 17 (6.7 vs. 4.6 days). Male underage drinkers used alcohol on more days in the past month than their

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**Table 1. Percentages of Past Month Alcohol Use among Persons Aged 12 to 20, by Demographic Characteristics: 2005-2006**

<table>
<thead>
<tr>
<th>Demographic Characteristic</th>
<th>%</th>
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<tr>
<td>Total Aged 12 to 20</td>
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<td>12 to 17</td>
<td>16.6</td>
<td>0.23</td>
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<tr>
<td>18 to 20</td>
<td>51.4</td>
<td>0.58</td>
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<tr>
<td>Hispanic or Latino</td>
<td>25.6</td>
<td>0.69</td>
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</table>

Source: SAMHSA, 2005 and 2006 NSDUHs.

**Figure 1. Average Number of Days of Alcohol Use in the Past Month among Past Month Alcohol Users Aged 12 to 20, by Demographic Characteristics: 2005-2006**

Source: SAMHSA, 2005 and 2006 NSDUHs.
Among underage past month drinkers, the average number of drinks consumed per day ranged from 2.8 drinks per day among blacks to 6.4 drinks per day among Native Hawaiians or Other Pacific Islanders.

Underage Drinkers Versus Drinkers of Legal Age

Among past month alcohol users, drinkers aged 21 or older averaged more days of alcohol consumption in the past month than underage drinkers (8.7 vs. 5.9 days). However, underage drinkers consumed, on average, more drinks per day on the days they drank in the past month than drinkers aged 21 or older (4.9 vs. 2.8 drinks).

Number of Drinks per Day in the Past Month

Past month alcohol users aged 12 to 20 consumed an average of 4.9 drinks per day on the days they drank in the past month (Figure 2). The average number of drinks consumed per day varied by demographic characteristics. Past month alcohol users aged 18 to 20 averaged more drinks per day than their counterparts aged 12 to 17 (5.2 vs. 4.5 drinks). Among underage past month alcohol users, males consumed an average of 5.8 drinks per day on the days they drank in the past month, and females consumed an average of 4.0 drinks per day on the days they drank.

The number of days of alcohol use in the past month varied by race/ethnicity, ranging from an average of 4.2 days among Asians to an average of 8.3 days in the past month among Native Hawaiians or Other Pacific Islanders.

Figure 2. Average Number of Drinks Consumed per Day on the Days Used Alcohol in the Past Month among Past Month Alcohol Users Aged 12 to 20, by Demographic Characteristics: 2005-2006

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<thead>
<tr>
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</tr>
<tr>
<td>Male</td>
<td>5.8</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>4.0</td>
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</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
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<tr>
<td>Two or More Races</td>
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<td>Hispanic or Latino</td>
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<tr>
<td>Asian</td>
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</tr>
<tr>
<td>Black or African American</td>
<td>2.8</td>
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</table>

Source: SAMHSA, 2005 and 2006 NSDUHs.
Research findings from the SAMHSA 2005 and 2006 National Surveys on Drug Use and Health (NSDUHs)

Quantity and Frequency of Alcohol Use among Underage Drinkers

- Combined 2005 and 2006 data indicate that an annual average of 28.3 percent of persons aged 12 to 20 in the United States (an estimated 10.8 million persons annually) drank alcohol in the past month.
- Past month alcohol users aged 12 to 20 drank on an average of 5.9 days in the past month and consumed an average of 4.9 drinks per day on the days they drank in the past month.
- Underage drinkers aged 12 to 20 consumed, on average, more drinks per day on the days they drank in the past month than persons aged 21 or older (4.9 vs. 2.8 drinks).

The National Survey on Drug Use and Health (NSDUH) is an annual survey sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA). The 2005 and 2006 data used in this report are based on information obtained from 62,602 persons aged 12 to 20. The survey collects data by administering questionnaires to a representative sample of the population through face-to-face interviews at their place of residence.

The NSDUH Report is prepared by the Office of Applied Studies (OAS), SAMHSA, and by RTI International in Research Triangle Park, North Carolina. (RTI International is a trade name of Research Triangle Institute.) Information on the most recent NSDUH is available in the following publication:


Information for the earlier NSDUH is available in the following publication:


Also available online: http://oas.samhsa.gov

Because of improvements and modifications to the 2002 NSDUH, estimates from the 2002 through 2006 surveys should not be compared with estimates from the 2001 or earlier versions of the survey to examine changes over time.

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
Substance Abuse & Mental Health Services Administration
Office of Applied Studies
www.samhsa.gov
New National Study Reveals 12 Year Olds More Likely to Use Potentially Deadly Inhalants than Cigarettes or Marijuana

American Osteopathic Association joins national effort to protect young people from this danger

More 12 year olds have used potentially lethal inhalants than have used marijuana, cocaine and hallucinogens combined, according to data released today by the Substance Abuse and Mental Health Services Administration (SAMHSA) in conjunction with the 18th annual National Inhalants & Poisons Awareness Week.

The National Inhalant Prevention Coalition (NIPC) and SAMHSA kicked off National Inhalants and Poisons Awareness Week at a press conference featuring information and personal stories about the dangers of inhalant use or "huffing." One of the leading participants in this year's event was the American Osteopathic Association (AOA), which represents more than 67,000 osteopathic physicians (DOs). The organization urged its members to take continuing education programs designed to help enhance physician awareness of this risk to youth.

The need to increase awareness of this public health risk among physicians, parents and others cannot come too soon for Kevin Talley, the father of Amber Ann Suri, who died in February 2009 after huffing. Her parents suspected something was going on when they noticed she had a pungent smell, glassy eyes, and complained about sinus problems. Although she was taken to a doctor, her real problem was not identified and she was treated only for her sinus symptoms. She died shortly thereafter.

Ashley Upchurch, a 17 year-old recovering from addiction to inhalants and other drugs, spoke at the press conference about the consequences of huffing, the importance of identifying and treating inhalant abuse and the hope of recovery. "Inhalants were a cheap, legal, and an intense high that would also enhance the feeling I would get from other drugs," she said. "These highs nearly destroyed my life." In recovery for two years, Ashley now participates in a recovery program and is "giving back by sharing my story of hope with others."

Young people sniff products such as refrigerant from air conditioning units, aerosol computer cleaners, shoe polish, glue, air fresheners, hair sprays, nail polish, paint solvents, degreasers, gasoline or lighter fluids. Youngsters intentionally inhale these substances to get high. Most parents are not aware that use of inhalants can cause "Sudden Sniffing Death" - immediate death due to cardiac arrest - or lead to addiction and other health risks.

SAMHSA data from the 2006-2008 National Surveys on Drug Use and Health show a rate of lifetime inhalant use among 12 year olds of 6.9 percent, compared to a rate of 5.1 percent for nonmedical use of prescription type drugs; a rate of 1.4 percent for marijuana; a rate of 0.7 percent for use of hallucinogens; and a 0.1 rate for cocaine use.

"We continue to face the challenge of increasing experimentation and intentional misuse of common household products among the youngest and most vulnerable segments of our population – 12 year olds. The data are ominous and their implications are frightening because of the toxic, chemical effects of these legal products on growing minds and bodies. One of the front-line defenses against inhalant use is the family health
care provider. This is why the action of the American Osteopathic Association is so important and why we are so proud that they are joining us and our partners in this public health campaign,” Harvey Weiss, NIPC executive director, said.

The AOA adopted a policy endorsing continuing medical education to enhance physician awareness of inhalation of volatile substances and to support campaigns to increase public awareness of the crisis. This policy was submitted by the American College of Osteopathic Pediatricians (ACOP), and resulted in the adoption of “Risky Behavior in the Pediatric Patients” as their 2009-2010 theme. The ACOP/AOA policy recognized that inhalation of volatile substances, known as huffing, is increasing in children 12 to 14 years of age.

“Parents must wake up to the reality that their child might try huffing and the consequences could be devastating,” said SAMHSA Administrator Pamela S. Hyde, J.D. “That’s why SAMHSA is leading the way to get information out to healthcare providers, kids, parents and everyone in the community so that our children hear a consistent message about the dangers of huffing.”

“Young people and their parents are key audiences for this important public information campaign about the clear and present dangers associated with inhalant abuse,” said Gil Kerlikowske, Director of National Drug Control Policy. “With data showing that young people often don’t perceive the great risk of abusing inhalants, we must redouble our efforts to inform adolescents of the dangers and to encourage parents to be more vigilant in protecting their children from inhalants often present in common household products.”

Dr. Timothy Condon, deputy director of the National Institute on Drug Abuse (NIDA), noted: “As risky as inhalants are, many kids don’t see the drugs that way. In our latest Monitoring the Future study, there’s a disturbing downward trend among high schoolers who see “great risk” in using inhalants once or twice a week. At the same time, the survey shows that inhalant use isn’t declining as much as it has in recent years among eighth and tenth graders. If today’s attitude translates into future use, we have reason to be concerned.”

“As a physician, I cannot stress enough the importance of educating adolescents about the dangers of the inhalation of volatile substances, known as huffing. Young people do not always realize the consequences of their actions,” said Jennifer N. Caudle, D.O., an osteopathic family physician and director of the family medicine section of the Department of Internal Medicine at Sinai Hospital in Baltimore. “However, it is possible to die from trying inhalants even once. ‘Sudden Sniffing Death’ causes the heart to beat rapidly, which can result in cardiac arrest.”

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SAMHSA is a public health agency within the Department of Health and Human Services. Its mission is to reduce the impact of substance abuse and mental illness on America’s communities.
INTRODUCTION

Earthquake Preparedness Month is held each April to encourage community members to take simple steps to prepare for earthquakes. Building upon previous years efforts, a variety of outreach efforts designed to reach all segments of the community, including employees and residents, are planned for April.

DISCUSSION

The City of Beverly Hills will focus on the importance of earthquake preparedness throughout the community with the "When It Rocks...Are You Ready to Roll" campaign. The campaign has two components: employee preparedness and community preparedness.

The fifth annual employee preparedness pledge drive will encourage employees to evaluate their level of preparedness by updating or completing their emergency kits and plans.

The second annual community pledge drive will encourage residents to participate by creating an emergency supply kit for their cars.
Educational information will be made available throughout the month. The community can find this information as follows:

- "April is Earthquake Preparedness Month" banners displayed on City streets and at City facilities,
- earthquake themed programming to air on the City’s cable channel,
- public service announcements to air on the City’s 1500 AM station,
- information on City website,
- press release to local press,
- information booth at the Earth Day Farmers’ Market—April 18th, Civic Center Drive,
- information will be distributed during Neighborhood Watch Meetings – April 21st, April 29th, May 4th, May 10th.

FISCAL IMPACT

No fiscal impact. Funds used are within the City’s Office of Emergency Management’s budget.

RECOMMENDATION

Staff invites the Commission to participate in the Community and Employee Preparedness Campaign and requests the Commission encourage community members to be emergency prepared and to seek preparedness information from the sources available.

Commissioners are asked to refer Community members to the above places for information or by calling the Office of Emergency Management at 310-285-1025.

Pamela Mottice Muller
WHEN IT ROCKS... ARE YOU READY TO ROLL?

Participate in the 2010 City of Beverly Hills “I’m Prepared!” Employee Pledge Drive

The City of Beverly Hills proudly announces its fifth annual “When It Rocks, Are you Ready to Roll?” employee pledge drive. Over the past four years, many of you may have participated in the City’s pledge drives by putting together emergency kits and plans. This year’s campaign is an opportunity to assess our individual levels of preparedness. If you have not completed or updated your emergency kits or plans, now is the time! Until a disaster happens, it’s never too late!

It’s easy to participate!

- Using the handy checklist on the back of this flyer, check your emergency kits, replace supplies that have expired and make sure all your emergency information is up to date. You can also use the checklist to create emergency kits if you don’t already have them.

- Promise to update or create your emergency kits by completing the “I’m Prepared!” Pledge Card below and turn it in to your department emergency management representative.

Every City employee is encouraged to be prepared in the event of an emergency or disaster. Every employee that returns a pledge card will receive one small wind-up flashlight! (back by popular demand)

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WHEN IT ROCKS... AM I READY TO ROLL?

Yes! I have updated or created a:

☐ Home Kit ☐ Car Kit ☐ Employee Backpack/Locker ☐ Family Plan

Signature: ________________________________ Name (printed legibly): ________________________________

Department/Division: ________________________________ Date: ________________________________

Please submit by April 30, 2010 to your department emergency management representative.
When It Rocks... ARE You Ready to Roll?

Once we create our emergency supply kits, we often forget to periodically check the supplies. We want to make sure that the supplies in our kits are not expired, that we are not missing any supplies, and that information in our emergency plans are up to date. Take a few minutes to make sure the emergency supply kits you have at home, in your car, and at work are complete and up to date. This is also a good time to review your family's preparedness plan. If you have not created your emergency kits or family plan, it's not too late! Taking small steps now will go a long way to alleviate suffering in the future!

- **Home Kit:** Should include: food, water, a first aid kit, fire extinguisher, flashlights or glowsticks, a portable radio, batteries (for flashlights and radio), blankets, clothing, shoes, money, an alternate cooking source (a barbecue or camping stove), tools and special items for infants, pets, and those with special needs.

- **Car Backpack:** Should include: food, water, a first aid kit, flashlights and batteries or glowsticks, blanket, extra clothing, comfortable shoes, money, basic toiletries, medications, and other items you might need if you are away from home.

- **Employee Backpack/Locker:** The City provides all non sworn employees with a backpack containing the following emergency supplies: food, water, flashlight with batteries, small first aid kit, a whistle, a blanket, a dust mask, and a glowstick. Contact your Floor Warden for supplies when needed. Employees should add to this backpack or for sworn personnel and others having lockers add sturdy shoes and socks, comfortable clothes, basic toiletries, medications, prescription glasses, and other necessary personal items you may need. Keep an additional work outfit in your cubicle or locker. It wouldn't take a catastrophic disaster to make you stay at work.

- **Family Preparedness Plan:** Your plan should include: what to do in different emergencies, a 15 minute evacuation checklist (including important items to take in an evacuation), 2 meeting locations (right outside your home and outside your neighborhood) and an out of state contact person. You should meet with your family members to review, update, and practice the plan. Always keep cars above a half of tank.

For additional information on any of the above items, please call the Office of Emergency Management at 310-285-1025.
# HEALTH AND SAFETY COMMISSION CALENDAR

**MARCH 2010**

<table>
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<tr>
<th>Day</th>
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<th>Attendees</th>
</tr>
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<tbody>
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**APRIL 2010**

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<tr>
<td>Wed</td>
<td>14</td>
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<td>280-B</td>
<td>DS</td>
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<tr>
<td>Wed</td>
<td>21</td>
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**MAY 2010**

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<td>Time</td>
<td>Meeting/Event</td>
<td>Location</td>
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**July 2010**

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**August 2010**

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### DECEMBER 2010

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<td>City Hall 280-A</td>
<td>All</td>
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</tbody>
</table>
COME JOIN THE EARTH DAY CELEBRATION AT THE FARMERS’ MARKET

LEARN HOW TO “LIVE LIGHTLY” ON PLANET EARTH

• EcoStation Adventure: Interact with exotic and endangered animals and learn how we can help them survive

• Energy Conservation: Visit the SoCal Edison mobile unit

• Water Management: Water “harvesting” on wet days and preparing for a drought

• Energy Efficiency: Appliance buying tips and rebate programs

• Battery Recycling: Drop off disposal dry-cell batteries and printer cartridges

• Free Compost: Available in large quantities

• And, much more!

FOR MORE INFORMATION, CONTACT THE BEVERLY HILLS PUBLIC WORKS DEPARTMENT (310) 285-2467
WWW.BEVERLYHILLS.ORG/earthday