



## Legislation Text

---

File #: #19-081, Version: 1

---

**PREPARED BY:** MATT RODRIGUEZ

**DATE OF MEETING:** 03/04/19

**SUBJECT:**

CITY COUNCIL AUTHORIZATION BY MINUTE ORDER TO EXECUTE A LETTER OF SUPPORT ON THE PROPOSED STATE-WIDE LEGISLATION SB 38 AND SB 39 (HILL) WHICH REGULATE ACCESS TO TOBACCO PRODUCTS ONLINE AND BY MAIL AND PROHIBITS STATE-WIDE THE SALE OF FLAVORED TOBACCO PRODUCTS

**CITY MANAGER RECOMMENDATION**

Authorize by Minute Order

**COMPLIANCE STATEMENTS**

**FY 2018-2021 Council Priority Workplan Compliance Statement**

*Flavored Tobacco Ban Ordinance is an adopted policy item under the FY 2018-2021 Council Adopted Workplan, effective November 1, 2017*

**CEQA Compliance Statement**

This is not a project as defined by CEQA.

**BACKGROUND**

On December 17, 2018, the San Pablo City Council adopted an ordinance which placed a city-wide ban on the sale of flavored tobacco products, including menthol and flavored e-cigarette products. The newly adopted ordinance becomes effective 90 days from adoption on March 17, 2019 to allow time for local retailers and smoke shops in San Pablo to comply with the new ordinance, and to enable these retailers to reduce and eliminate their existing tobacco inventory.

**Introduced State Legislation - SB 38 and SB 39 (Hill)**

On December 3, 2018, State Senator Jerry Hill (13<sup>th</sup> District) introduced two State bills that propose to regulate flavored tobacco state-wide, as follows:

- 1) **Senate Bill 38 (Hill):** Proposes to prohibit the sale of flavored tobacco products in retail stores and vending machines: and
- 2) **Senate Bill 39 (Hill):** Proposes to impose new age verification requirements for tobacco products sold on-line or through the mail.

Copies of the two State bills introduced on December 3, 2018 are attached to this agenda report for City Council review and consideration (See Attachments). As of January 16, 2019, both SB 38 and SB 39 have been referred to the State Senate Committee on Health for further review and action. State Senator Nancy Skinner (9<sup>th</sup> District) is a co-sponsor of both bills and on February 27, 2019 she transmitted a letter to Mayor Kinney and the City Council thanking the City for its work on protecting

youth from access to flavored tobacco products through the City's recently enacted ordinance in alignment with the policies embodied in SB 38 and SB 39 (See Attachment).

### **Public Safety Standing Committee Review**

On February 20, 2019, the Public Safety Standing Committee (Cruz; Pabon-Alvarado) received a report on the proposed SB 38 and SB 39 (Hill) legislation from the City's lobbyist Townsend Public Affairs (TPA). Based on the report from TPA, the Standing Committee supported the development of a letter in support of the legislation and voted to recommend its full consideration to the City Council at their meeting on March 4, 2019 for approval (see Attachment).

With Standing Committee direction received on February 20, 2019, the City Manager recommends to proceed with City Council review and consideration of the proposed letter of support for SB 38 and SB 39, and directing its approval by City Council majority vote via minute action. Following majority vote approval by the City Council, the Mayor would then be authorized to execute the letter of support for subsequent official transmittal.

### **FISCAL IMPACT**

None associated with this report.

### **ATTACHMENTS**

- 1 - SB 38 (Hill) Legislation (Introduced 12/03/18)
- 2 - SB 39 (Hill) Legislation (Introduced 12/03/18)
- 3 - Letter to mayor Kinney from State Senator Nancy Skinner dated 02/27/19 re: Support for SB 38 & SB 39 Legislation
- 4 - Draft City Council Letter of Support for SB 38 and SB 39 (Hill) Legislation