

Legislation Text

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DATE OF MEETING: 03/04/19

SUBJECT:

OUTREACH AND ENFORCEMENT UPDATE OF TOBACCO GRANT AND FLAVORED TOBACCO BAN ORDINANCE

CITY MANAGER RECOMMENDATION

Receive presentation

COMPLIANCE STATEMENTS

Reduce Promotion of Unhealthy Tobacco Products to Youth, such as Prohibiting the Sale of Flavored Tobacco Products, and the number of Stores that seek these products near San Pablo Schools is an adopted policy item under the FY 2018-21 Council Priority Work Plan, effective November 1, 2017.

CEQA Compliance Statement

This update on outreach, compliance and enforcement is not a project under CEQA; therefore, it does not require CEQA clearance.

BACKGROUND

Tobacco Enforcement Grant

In July 2018, the San Pablo Police Department applied for and was awarded \$612,056 to participate in the Tobacco Enforcement Grant Program to combat minors' use of tobacco products. Subsequently two positions (1.0 full-time Police Officer and 1.0 full-time Police Services Technician) were added to the City's Classification & Compensation Plan in order to effectuate the grant goals.

Since July 2018, staff has worked with community stakeholders to develop a comprehensive education, outreach, and enforcement program. These stakeholders have included: Tobacco Use Prevention Education (TUPE); Contra Costa Health Services Tobacco Prevention Division; Bay Area Community Resources (BACR); Youth Tobacco Advocacy & Policy Project (YTAPP).

Staff have delivered outreach and education to community youth within our 4th, 5th, and 6th grade classes in each San Pablo elementary school and Salesian High School (the City of Richmond and Richmond High School received a separate grant). In October 2018, staff partnered with First Five to hold the first Tobacco Fun Fair at the First Five facility in San Pablo. Staff will continue to utilize upcoming community events for opportunities in delivering preventative curriculum to our youth regarding tobacco use.

Routine enforcement operations are occurring weekly. To date, of the eight tobacco retailers visited during minor decoy operation, zero businesses have sold to minors. However, of the eight businesses visited during shoulder tap operations (adults purchasing prohibited products for minors),

minors have been able to purchase tobacco products at each location. Subsequently officers have made (10) arrests for the violation; with an average of about 1 in 4 individuals asked, agreeing to provide the tobacco to the minor.

In addition, general enforcement operations are being conducted as officers address quality of life issues around the tobacco retailers surrounding loitering, littering, smoking within proximity to the business, and public drinking/intoxication.

Flavored Tobacco Ordinance

On December 17, 2018, City Council adopted an ordinance amending Chapter 5.06 of the Municipal Code as follows:

- Prohibits city-wide sales of flavored tobacco including menthol and e-cigarettes
- Requires cigars to be sold in a minimum pack size of 6 and minimum cost of \$10 per cigar
- Requires cigarillos to be sold in a minimum pack size of 25
- Requires little cigars to be sold in a minimum pack size of 20

The effective date of the Ordinance is March 17, 2019. This provided a 90 day “grace period” before beginning enforcement to allow for notification and education of tobacco retailers and for the banned product to be sold or disposed of before enforcement began. There are six Smoke Shops in the City that primarily sell only tobacco products. The Police Department, including the Chief of Police, met with each Smoke Shop owner to educate them about the new ordinance. Topics of discussion included specific ordinance requirements, and requests for an extension of the grace period, which varied from six months to one year.

It continues to be the goal of the Police Department to work with the Smoke Shops on good faith compliance with the new ordinance, as well as compliance with tobacco laws in general.

Outreach and Compliance Update Report

On January 14, 2019, at the end of the Special City Council meeting, the City Council voted by majority vote via minute action to direct the City Manager to schedule an updated report on compliance and enforcement efforts by City staff on the City’s adopted Tobacco Flavored Ordinance, with an initial preliminary report to be reviewed by the Public Safety Standing Committee (Cruz; Pabon-Alvarado).

On-Line Survey Results and Community Feedback

Through Strategy Research Institute, Inc., (SRI), due to community feedback and outreach purposes, the City conducted an on-line survey through the City’s website and social media networks regarding the flavored tobacco ordinance to obtain general feedback about the newly adopted ordinance, and its overall impact on the community. The survey was conducted in English and Spanish. Dr. Manross CEO/President of SRI will provide an updated presentation at the City Council meeting of the on-line survey results. However, based on the initial information provided to the Public Safety Standing Committee (Cruz; Pabon-Alvarado) at their meeting scheduled on February 20, 2019 via the on-line survey, the San Pablo community is generally very supportive of the ordinance.

Note: The updated SRI on-line survey results report was not available at time of agenda publication; therefore, once received by the City Clerk’s Office, a copy will be made available for public review, and forwarded once available as last minute agenda correspondence prior to the City Council

meeting.

Public Safety Standing Committee

Staff's presentation was initially presented to the Public Safety Standing Committee (Cruz; Pabon-Alvarado) on February 20, 2019 as directed by the City Council. Accordingly, as noted above, SRI's On-Line Survey Results for period February 8-17, 2019 was also presented to the Standing Committee. Additionally, a representative from the City's lobbyist firm, Townsend Public Affairs, also provided an overview of new State legislation introduced on December 3, 2018 to prohibit flavored tobacco and to restrict online sales of tobacco to youth (i.e. Senate Bills 38 and 39) introduced by State Senator Jerry Hill (13th District), and co-authored by State Senator Nancy Skinner (9th District). Council action to support these bills is a separate consent calendar item on the City Council's agenda.

Following presentation and review of all information, the Standing Committee voted to receive all presentation information, and recommended its full consideration and review by the City Council for approval.

FISCAL IMPACT

This is an informational item only; therefore, there is no fiscal impact.

ATTACHMENT

Tobacco Grant Outreach and Enforcement Update - PowerPoint Presentation