

Legislation Text

File #: #20-032, Version: 1

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DATE OF MEETING: 01/21/20

SUBJECT:

AUTHORIZING A LETTER OF SUPPORT FROM SAN PABLO MAYOR ARTURO CRUZ AND SAN PABLO CITY COUNCIL TO SUPPORT PROPOSED STATE-WIDE LEGISLATION - SENATE BILL 793 (HILL-13TH DISTRICT) - FLAVORED TOBACCO PRODUCTS

CITY MANAGER RECOMMENDATION

Approve by Minute Order

COMPLIANCE STATEMENTS

FY 2019-21 Council Priority Workplan Compliance Statement

Flavored Tobacco Ban Ordinance No. 2018-006 and Major Policy Area: Build A Healthy Community is an adopted policy item contained in the FY 2019-21 Council Adopted Workplan, effective March 1, 2019.

CEQA Compliance Statement

This is not a project as defined by CEQA

BACKGROUND

On December 17, 2018, the San Pablo City Council adopted Ordinance 2018-006 which amended Chapter 5.06 of the San Pablo Municipal Code to prohibit the sale of flavored tobacco including menthol; establish a minimum pack size for cigars, cigarillos, and little cigars; and establish a minimum price for cigars of \$10 per cigar. The City's adopted Ordinance 2018-006 was effective March 2019. As directed by the City Council at time of Ordinance adoption in December 2018, the San Pablo Police Department/Tobacco Enforcement Division implemented a community outreach program, with full compliance and enforcement of the City's ordinance requirements in effect as of June 2019.

State DOJ Grants Awarded to San Pablo Police Department

During a two-year period (2018-2019), the City was successfully awarded two state grants totaling \$1.97M from the State of CA Department of Justice (DOJ). These grant resources are being implemented over the next three-year period and are instrumental in providing community-wide tobacco product use education and outreach activities with local community service organizations, non-profits, retailers, and other stakeholders. Additionally, the City of San Pablo Police Department/Tobacco Enforcement Division uses these resources to highlight the public health dangers of these flavored tobacco products community-wide, including the ongoing collaboration with the Contra Costa County Health Services/Tobacco Division, and proponents with the Youth Tobacco Advocacy and Policy Project (YTAPP) at local schools.

Proposed State Legislation - SB 793 (Hill-13th District)

On January 6, 2020, State Senator Jerry Hill (13th District) introduced a bill (SB 793) banning all flavored tobacco products state-wide (see attachment). Citing existing state law, the bill's author references the *Stop Tobacco Access to Kids Enforcement (STAKE) Act*, which prohibits a person from selling or otherwise furnishing tobacco products, as defined, to a person under 21 years of age. Additionally, existing state law also prohibits the use of tobacco products in County Offices of Education, on charter school or school district property, or near a playground or youth sports event, as specified.

SB 793 would also prohibit a tobacco retailer from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product, as defined to include menthol. The bill, if adopted by the State Legislature, and signed into law by the Governor, would make a violation of this prohibition an infraction punishable by a fine of \$250 for each violation. Additionally, the bill would state the intent of the State Legislature that these provisions not be construed to pre-empt or prohibit the adoption and implementation of more restrictive local ordinances related to the prohibition on the sale of flavored tobacco products.

A Letter of Support for the proposed SB 793 legislation has been sought by the bill's author via the City's lobbyist, Townsend Public Affairs. The subject letter of support has been forwarded for formal review and consideration to the City Council. City Council approval by majority vote via minute order is required for official transmittal of said letter of support by Mayor Cruz to the bill's author (see attachment).

Budget, Fiscal & Legislative Standing Committee Review

On January 15, 2020, the Budget, Fiscal & Legislative Standing Committee (Pabon-Alvarado; Pineda) met to review the proposed letter of support for the SB 793 legislation, and recommended its full consideration to the City Council for formal review and adoption at their regular meeting on January 21, 2020.

FISCAL IMPACT

None associated with this action.

ATTACHMENTS:

1. Letter of Support for SB 793 (Hill-13th District)
2. SB 793 Proposed Legislation