

# Tobacco Use Prevention Program

## TOBACCO RETAIL LICENSING & ZONING

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# Policies regulating the tobacco retail sales environment

## State

- 1994: Stop Tobacco Access to Kids Enforcement (STAKE) Act includes requirements regulating the age of sale, signage, and self-service displays.
- 2016: Prohibits the sale of cigarettes and other tobacco products to people under age 21.
- 2022: Ends the sale of most flavored tobacco products.

## Local

- To decrease tobacco use and improve health outcomes in a community, municipalities have adopted local policies to:
  - Regulate the density and proximity of tobacco retailers, and
  - Regulate tobacco retail sales.
- Currently, there are no local tobacco retail zoning or retail sales regulations in El Dorado County.

# Background Specific to El Dorado County

December 5, 2023

We presented to the Board of Supervisors on tobacco retail zoning regulations. The Board of Supervisors directed us to return with:

- An Urgency Ordinance within 90 days to prohibit the approval of new tobacco retail applications pending study of a more permanent ordinance.

January 30, 2024

The Board unanimously adopted the urgency ordinance. The Board of Supervisors directed us to return with:

- Additional information on tobacco retail zoning and licensing.

# Effective *Zoning* Provisions

## What is Zoning?

- Regulates the use of property.
- Grants rights attached to the land.
- Effective approach to regulate land use, such as restricting the number, location, and/or density of tobacco retail outlets.

## Zoning Provisions

- Limit number of retailers by:
  - Population
  - Cap on licenses
- Limit proximity to:
  - Residential Areas
  - Other Tobacco Retailers
  - Youth-Populated Areas
  - Cannabis Retailers

# Effective *Tobacco Retail License Provisions*

*Note: At least **230 municipalities in CA** require a local tobacco retail license to sell tobacco products.*

## What is Licensing?

- Regulate businesses and professionals working in certain fields.
- A license grants rights to the person who holds it.
- Effective approach to regulate a business, may include zoning and retail sales provisions, and annual licensing fees fund the program.

## Licensing Provisions

- Product-related:
  - No Free Samples & Discounts
  - Minimum Price & Pack Size
  - Prohibit the sale of disposable/single use vapes/e-cigarettes and products not approved by the FDA
- Other:
  - No tobacco retailing in a pharmacy
- Distance Provisions
  - Limit number and proximity



# Next Steps for El Dorado County

Please approve extending the Urgency Ordinance and direct staff to return with a tobacco retail license draft that includes the following tobacco provisions:

## Ordinance / Significant Tobacco Retailers

- Applies to tobacco retailers where 20 percent or more of the floor or display area is devoted to tobacco products.
- 1,500 feet from sensitive use and same use
  - Sensitive use includes library, public park, church, community center, public school, or indoor or outdoor recreational facilities that are primarily designed to serve persons under the age of 18.
- 1 tobacco retailer per 2,500 county unincorporated residents

## All Tobacco Retailers

- No free samples, discounts or coupons
- Minimum price and pack size
- Prohibit the sale of single use/disposable e-cigarettes and products not approved by the FDA

License fees cover county costs to inspect and enforce.

