



Tobacco Use Prevention Program

TOBACCO RETAIL DENSITY & ZONING EDUCATION

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Background: Our Commitment

- **Tobacco Use Prevention Program (TUPP)**
 - Funding source: Allocation Agreement CTCP-21-09 California Tobacco Use Prevention Program/California Department of Public Health
 - Term: January 1, 2022, through June 30, 2025
 - County accepted funding: \$1,050,000 from PROP 99 and PROP 56
 - Priority Education Areas:
 - Limit Tobacco Promoting Influences
 - Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products
 - Reduce the availability of harmful tobacco products, like cigarettes, cigars, vapes, and chew
 - Promote tobacco cessation

Agenda

Background

Program
Community Engagement
Proposition 31/SB 793

Discussion Item

Tobacco Retail Density &
Zoning Education
Research & Collaboration

Next Steps

Board Direction
Implementation

Community Engagement

November 2, 2022

Town Hall Event

- Collaborative effort
- The Impacts of Vaping on our Youth
 - In 2022, over 2.5 million middle and high school students reported current e-cigarette use.
 - Nearly half (46%) of high schoolers who vape do so almost daily.
- Community poll (45 responses)



Community Engagement: Public Opinion Survey

2022 Commercial Tobacco Campaign Public Opinion Survey

- 501 total responses

Key findings (strongly agree/somewhat agree)

- **72%** - tobacco litter (cigarette butts, packaging, lighters, etc.) is a problem in my community
- **59%** - my community has been negatively impacted by smoking, vaping, or other tobacco use
- **55%** - fewer people would use tobacco products if it were harder to purchase them
- **54%** - personally have been negatively impacted by smoking or tobacco use
- **54%** - my city council (or board of supervisors) should take action on tobacco

Key findings (strongly support/support)

- **54%** - eliminating the sale of tobacco in your community

Proposition 31 SB 793

Californians voted for a Flavored Tobacco Sales Law

- Prohibits the Sale of Certain Tobacco Products
- Effective **December 21, 2022**

Results

- **63.4%** voted “YES” (Statewide)
- **56.9%** voted “YES” (El Dorado)

We are at a
critical point!

Industry Snapshot

Cigarette and smokeless tobacco companies spend billions of dollars each year to market their products.

Exposure to tobacco marketing in stores increases tobacco experimentation and use by youth and is more powerful than peer pressure.

The FDA is continuing to work through applications for more than 26 million vape products.

Importance of
Policies

*The best public health
activities help many
people at once*

Licensing & Zoning

- **Licensing**
 - Licensing is typically a way to **regulate businesses and professionals** working in certain fields. A license usually grants rights to the **person** who holds it. License fees can fund enforcement.
- **Zoning**
 - Zoning is a way to **regulate the use of property**. Zoning laws grant rights attached to the **land**. No fees associated.
- **Tobacco Retail Zoning**
 - A type of land use regulation that **restricts the number, location, and/or density of tobacco retail outlets**.
 - **Currently, El Dorado County has NO tobacco retailer zoning restrictions.**

Research & Collaboration

Steps taken

- Researched other cities/counties zoning regulations of density and/or proximity
- Consulted EDC Planning and Building Department
- Consulted GIS Analysts in the Surveyor's Office
- Consulted with the Public Health Law Center

103 municipalities in California have adopted ordinances to restrict the proximity of tobacco retail sales venues' locations to youth-populated areas, which may include schools, parks, and/or childcare. (July,2023).

Tobacco Retail Zoning Regulations (example)

Sacramento County:

Commercial Use Standards Table

Rocklin, CA Code of Ordinances

17.69.030 - Location of tobacco retailer

No tobacco retailer within one thousand feet of any public, private or charter school providing primary or secondary education, or within one thousand feet of any preexisting tobacco retailer.

TABLE 3.7 [AMENDED 12-01-2017]			
Use	Separation from Residential and/or Ag-Res Zones	Separation from Sensitive Use*	Separation between the same use
Hookah/Smoking/Vape Lounges	100 feet	1,000 feet	1,000 feet
Smoke Shops	100 feet	1,000 feet	1,000 feet
<p>*Sensitive uses include: child day care center, library, public park, church, community center, public or private school, designated school bus stop, or indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of 18.</p>			

Cannabis Retail Zoning in El Dorado County

El Dorado County has used zoning regulations for cannabis retail sales (Section 130.41.300.4.C)

Location.

A commercial cannabis activity authorized under this Section shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility.

...shall not be established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district.

Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement.

Tobacco Retail Density & Zoning

Reduce

- Reduce exposure and availability

Evidence

- Strong evidence that retailer location, density, and compliance with youth access laws significantly impact overall tobacco use and youth initiation.

Limit

- Local governments can limit the location of new tobacco retail outlets through land use tools such as zoning ordinance, or a conditional use permit, or a tobacco retail license.

Zoning &
Density
Findings

138 tobacco retailers in El Dorado County

44 within a 1,000 feet of a school
and 93 within a 1,000 feet of
another retailer

44 received a license since
2020. 12 within 1,000 feet of a
school and 30 within 1,000 feet of
another retailer



*90 tobacco retailers in the Unincorporated
El Dorado County*

27 within a 1,000 feet of a school
and 57 are within a 1,000 feet of
another retailer

25 received a license since
2020. 7 within 1,000 feet of a
school and 16 within 1,000 feet of
another retailer

Next Steps

- **Next Steps**
 - Seeking Board Direction
- **Implementation**
 - Resolution of Intent (ROI)
 - Planning Commission
 - Environmental Analysis / Impact
 - Public Workshop
 - FAQs
 - Appeal Process, Review
Body, Process, Determination
 - Enforcement