

AN INTRODUCTION TO

HEALTH IN ALL POLICIES

A Guide for State and Local Governments



Health in All Policies: A Guide for State and Local Governments was created by the Public Health Institute, the California Department of Public Health, and the American Public Health Association in response to growing interest in using collaborative approaches to improve population health by embedding health considerations into decision-making processes across a broad array of sectors. The Guide draws heavily on the experiences of the California Health in All Policies Task Force and incorporates information from the published and gray literature and interviews with people across the country.

WHY DO WE NEED HEALTH IN ALL POLICIES?

Health in All Policies is based on the recognition that our greatest health challenges—for example, chronic illness, health inequities, climate change, and spiraling health care costs—are highly complex and often linked. Promoting healthy communities requires that we address the social determinants of health, such as transportation, education, access to healthy food, economic opportunities, and more. This requires innovative solutions, a new policy paradigm, and structures that break down the siloed nature of government to advance collaboration.

A MESSAGE FROM THE AMERICAN PUBLIC HEALTH ASSOCIATION

The environments in which people live, work, learn, and play have a tremendous impact on their health. Responsibility for the social determinants of health falls to many non-traditional health partners, such as housing, transportation, education, air quality, parks, criminal justice, energy, and employment agencies. Public health agencies and organizations will need to work with those who are best positioned to create policies and practices that promote healthy communities and environments and secure the many co-benefits that can be attained through healthy public policy.

This guide follows in that tradition: We believe it will be of great value as the implementation of Health in All Policies expands and evolves to transform the practice of public health for the benefit of all.

Adewale Troutman, MD, MPH, MA, CPH
President

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Executive Director

WHAT IS HEALTH IN ALL POLICIES?

Health in All Policies is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas.

The goal of Health in All Policies is to ensure that decision-makers are informed about the health, equity, and sustainability consequences of various policy options during the policy development process. A Health in All Policies approach identifies the ways in which decisions in multiple sectors affect health, and how better health can support the goals of these multiple sectors. It engages diverse governmental partners and stakeholders to work together to promote health, equity, and sustainability, and simultaneously advance other goals such as promoting job creation and economic stability, transportation access and mobility, a strong agricultural system, and educational attainment. There is no one “right” way to implement a Health in All Policies approach, and there is substantial flexibility in process, structure, scope, and membership.

FIVE KEY ELEMENTS OF HEALTH IN ALL POLICIES

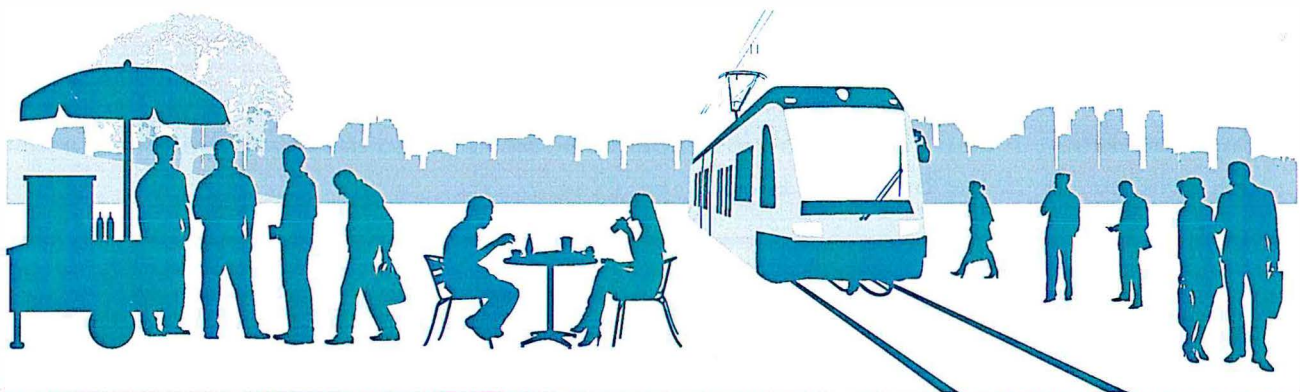
Promote health, equity, and sustainability. Health in All Policies promotes health, equity, and sustainability through two avenues: (1) incorporating health, equity, and sustainability into specific policies, programs, and processes, and (2) embedding health, equity, and sustainability considerations into government decision-making processes so that healthy public policy becomes the normal way of doing business.

Support intersectoral collaboration. Health in All Policies brings together partners from the many sectors that play a major role in shaping the economic, physical, and social environments in which people live, and therefore have an important role to play in promoting health, equity, and sustainability. A Health in All Policies approach focuses on deep and ongoing collaboration.

Benefit multiple partners. Health in All Policies values co-benefits and win-wins. Health in All Policies initiatives endeavor to simultaneously address the policy and programmatic goals of both public health and other agencies by finding and implementing strategies that benefit multiple partners.

Engage stakeholders. Health in All Policies engages many stakeholders, including community members, policy experts, advocates, the private sector, and funders, to ensure that work is responsive to community needs and to identify policy and systems changes necessary to create meaningful and impactful health improvements.

Create structural or process change. Over time, Health in All Policies work leads to institutionalizing a Health in All Policies approach throughout the whole of government. This involves permanent changes in how agencies relate to each other and how government decisions are made, structures for intersectoral collaboration, and mechanisms to ensure a health lens in decision-making processes.



The Healthy Community Framework was developed by the California Health in All Policies Task Force, based upon discussion with community, government, and public health leaders in response to the question, "What is a healthy community?"

A Healthy Community provides for the following through all stages of life:

HEALTHY COMMUNITY FRAMEWORK

Meets basic needs of all

- Safe, sustainable, accessible, and affordable transportation options
- Affordable, accessible and nutritious foods, and safe drinkable water
- Affordable, high quality, socially integrated, and location-efficient housing
- Affordable, accessible and high quality health care
- Complete and livable communities including quality schools, parks and recreational facilities, child care, libraries, financial services and other daily needs
- Access to affordable and safe opportunities for physical activity
- Able to adapt to changing environments, resilient, and prepared for emergencies
- Opportunities for engagement with arts, music and culture

Quality and sustainability of environment

- Clean air, soil and water, and environments free of excessive noise
- Tobacco- and smoke-free
- Green and open spaces, including healthy tree canopy and agricultural lands
- Minimized toxics, greenhouse gas emissions, and waste
- Affordable and sustainable energy use
- Aesthetically pleasing

Adequate levels of economic and social development

- Living wage, safe and healthy job opportunities for all, and a thriving economy
- Support for healthy development of children and adolescents
- Opportunities for high quality and accessible education

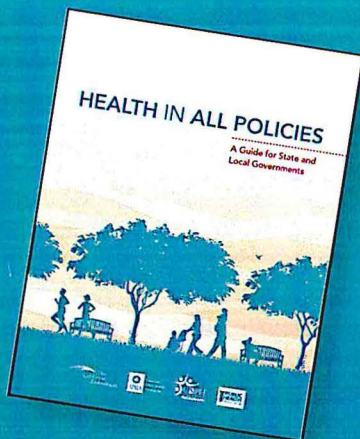
Health and social equity

Social relationships that are supportive and respectful

- Robust social and civic engagement
- Socially cohesive and supportive relationships, families, homes and neighborhoods
- Safe communities, free of crime and violence

WHAT'S IN HEALTH IN ALL POLICIES: A GUIDE FOR STATE AND LOCAL GOVERNMENTS?

- A discussion of why Health in All Policies approaches are necessary to meet today's health and equity challenges
- Five key elements of Health in All Policies, and how to apply them to your work
- Stories of cities, counties, and states that are implementing Health in All Policies
- "Food for Thought"—Lists of questions that leaders of a Health in All Policies initiative might want to consider
- Tips for identifying new partners, building meaningful collaborative relationships across sectors, and maintaining those partnerships over time
- A discussion of different approaches to healthy public policy, including applying a health lens to "non-health" policies
- Reflections on funding, evaluation, and the use of data to support Health in All Policies
- Information about messaging and tips on how to talk about Health in All Policies
- A case study of the California Health in All Policies Task Force
- Over 50 annotated resources for additional information
- A glossary of commonly used terms



To download *Health in All Policies: A Guide for State and Local Governments*, visit one of these websites:

<http://www.apha.org/hiap>

<http://www.phi.org/resources/?resource=hiapguide>

For more information, write to hiap@phi.org.



COUNTY OF EL DORADO

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Date: March 20, 2018

To: Board of Supervisors

From: Nancy Williams, Public Health Officer

Subject: Prohibit Smoking and Tobacco Use in Outdoor Areas of All Buildings Owned or Leased by County

The El Dorado County Health and Human Services Agency, Tobacco Use Prevention Program recommends the Board of Supervisors approve an Amendment to El Dorado County Ordinance No. 4190, Title 8, Chapter 8.60 Clean Indoor Air and Health Protection to Prohibit Smoking and Tobacco Use in Outdoor Areas of All Buildings Owned or Leased by the County.

El Dorado County has always valued the health of the community as a top priority, especially when it comes to protecting families and children from the dangers of tobacco. For many years, tobacco use has been the number one cause of preventable death in the US, with more than 480,000 people dying each year from tobacco-related diseases and 42,000 dying from secondhand smoke exposure. One of most effective methods of protecting communities from the dangers of tobacco are workplace smoking restriction policies. These policies work because they accomplish one or more of the following:

- 1) Reduce exposure to secondhand smoke
- 2) Make smoking less convenient
- 3) Reduce litter created by tobacco waste
- 4) Promote positive role modeling (setting a good example for children and youth)

El Dorado County Ordinance No. 4190 currently prohibits smoking in enclosed areas of buildings that are owned or leased by the County. Some county agencies have gone further by limiting outdoor smoking and tobacco use to designated smoking areas. However, because tobacco use is still allowed on the grounds of county buildings, community members and employees who visit these sites continue to be exposed to secondhand smoke. It also sets a troubling example when the unhealthy behavior of smoking occurs in the same places where families and children receive health and social services.

Eliminating smoking and tobacco use on the grounds of all County buildings is the best option for protecting the well-being of our community. Research shows that by removing these products from workplace grounds, secondhand smoke exposure is significantly reduced and those who are trying to quit tobacco nearly double their chances of staying quit for good. For these reasons, we are recommending that the El Dorado County Board of Supervisors amend Ordinance No. 4190 to include the following:

Smoking and tobacco use is prohibited in all outdoor areas owned or leased by the county, including parking lots, walkways, and the grounds of all buildings owned or leased by the county.

Products that would be prohibited by Ordinance No. 4190 include cigarettes, cigars, pipes, and electronic smoking devices. We understand that this change may be difficult for employees and clients who currently use tobacco products while on County grounds. If you or a client has questions about managing changes to tobacco use or would like help quitting, resources and quitting tips are available on the El Dorado County Public Health webpage at <https://www.edcgov.us/>.

We thank everyone for supporting what is sure to be a positive transformation for our County workplaces and for the entire El Dorado County community.

A handwritten signature in black ink, appearing to read "Nancy Williams". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Williams".

Nancy Williams, Public Health Officer

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El Dorado County Ordinance, Title 8, Chapter 8.60 Updates and Recommendations

Section 8.60.010 Purposes

(Current findings are dated, but still relevant and true).

Update with following:

The Board of Supervisors hereby finds as follows:

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation's leading cause of preventable death;¹ and
- Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths;² and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;³ and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;^{4,5} and
- The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;⁶ and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers;^{7,8} and

- Smoking cigarettes near building entryways can increase air pollution levels by more than two times background levels, with maximum levels reaching the “hazardous” range on the United States EPA’s Air Quality Index;⁸ and
- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 23 feet away from the source of the smoke, about the width of a two-lane road;^{8,9} and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke;^{2, 10} and
- Secondhand smoke is responsible for an estimated 41,300 heart disease-related and lung cancer-related deaths among adult nonsmokers each year in the United States;¹⁰ and
- Exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent;¹¹ and increases the risk of stroke by 20 percent to 30 percent;¹² and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs, as evidenced by the following:

- Between 2009 and 2012, the total annual economic burden of smoking in the United States was between \$289 billion and \$332.5 billion;¹ and
- From 2005 to 2009, the average annual health care expenditures attributable to smoking were approximately \$132.5 billion to \$175.9 billion in direct medical care costs for adults and \$151 billion in lost productivity;¹ and
- The total annual cost of smoking in California was estimated at \$548 per resident or between \$2,262 and \$2,904 per smoker per year;¹³ and
- California’s Tobacco Control Program saved the state and its residents \$134 billion in health care expenditures between the year of its inception, 1989, and 2008, with savings growing yearly;¹³ and

WHEREAS, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs with a review of over 80 peer-reviewed research studies showing that smokefree policies effectively do the following:

- Reduce tobacco use: tobacco use is reduced by median of 2.7 percent;¹⁴ and
- Reduce exposure to secondhand smoke: air pollution is reduced by a median of 88 percent and biomarkers for secondhand smoke are reduced by a median of 50 percent;¹⁴ and
- Increase the number of tobacco users who quit by a median of 3.8 percent;¹⁴ and
- Reduce initiation of tobacco use among young people;¹⁴ and
- Reduce tobacco-related illnesses and death: there is a 5.1 percent median decrease in hospitalizations from heart attacks and a 20.1 percent decrease in hospitalizations from asthma attacks after such laws are passed;¹⁴ and

WHEREAS, laws restricting electronic smoking devices use also have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm,^{6,15,16,17} such as formaldehyde, acetaldehyde, lead, nickel, and toluene;^{18, 19, 20} and
- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping;^{18, 20, 21} and

- The use of electronic smoking devices in smokefree locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment;²² and
- The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of e-cigarettes in all areas where other tobacco products are banned;"²³ and

[Include the following findings about smokeless tobacco to incorporate the optional language to create completely tobacco-free spaces.]

[WHEREAS, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as evidenced by the following:

- Smokeless tobacco use is associated with oral, esophageal, and pancreatic cancers;²⁴ and
- Smokeless tobacco is associated with increased risk for heart disease and stroke,^{25,26,27} stillbirth and preterm delivery,^{1,28} and Parkinson's disease;¹ and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- In 2007, it was estimated that Americans consume 360 billion cigarettes each year;^{29,30} and
- 55.7 percent of smokers admit to littering cigarettes in the last month;³¹ and
- In an observational study of nearly 10,000 individuals, after cigarettes were smoked, 45 percent of cigarettes ended up as litter;³⁰ and
- In 2011, 22.6 percent of all debris collected from beaches and coastal areas are smoking related products;³² and
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean;^{32,33} and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2012, American poison control centers received nearly 8,648 reports of poisoning by the ingestion of cigarettes, cigarette butts, and other tobacco products and 84.5 percent of these poisonings were in children ages five and younger;³⁴ and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;³⁵ and

WHEREAS, though widely perceived as a comprehensive smokefree air law, exemptions and loopholes in the California Smokefree Workplace Act³⁶ mean that one in seven Californians faces secondhand smoke exposure at work;³⁷ and

WHEREAS, exemptions and loopholes in the California Smokefree Workplace Act³⁶ disproportionately impact low-income and communities of color as evidenced by the following:

- California Labor Code does not prohibit smoking in hotels, cabs of trucks, warehouses, long-term care facilities, outdoor places of employment, small businesses, tobacco shops, and private smokers' lounges, which disproportionately employ individuals of low-income and individuals of color;^{38,39,40} and

- Male and Hispanic/Latino workers are the most likely to report being exposed to secondhand smoke at work;⁴¹ and

WHEREAS, California cities and counties have the legal authority to adopt local laws that make all indoor places of employment nonsmoking;⁴² and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions;⁴³ and

WHEREAS, the state smokefree workplace law does not expressly prohibit the use of electronic smoking devices in enclosed workplaces;³⁶ and

WHEREAS, there is broad public recognition of the dangers of secondhand smoke and support for smokefree air laws, as evidenced by the following:

- A 2008 survey of California voters found that 97 percent thought that secondhand smoke is harmful, 88 percent thought secondhand smoke was harmful even outdoors, 65 percent were bothered by secondhand smoke, and 73 percent support laws restricting smoking in outdoor public places;⁴⁴ and

WHEREAS, as of April 2015, there are at least 64 California cities and counties with local laws restricting smoking in workplaces not covered by the state smokefree workplace law;⁴⁵ and

WHEREAS, as of April 2014, at least 131 local jurisdictions in California prohibit the use of electronic smoking devices in specific locations;⁴⁶ and

WHEREAS, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, 129 with local laws restricting smoking in outdoor dining places, and 48 with local laws restricting smoking on sidewalks in commercial areas;⁴⁷ and

WHEREAS, there is no Constitutional right to smoke;⁴⁸

NOW THEREFORE, it is the intent of the County Board of Supervisors in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco use] with a healthy lifestyle; and by affirming and promoting a healthy environment in the County of El Dorado.

Section 8.60.020 Authority

The County still has the authority to regulate where people smoke. It cites the Health and Safety Code section 25946 and should be replaced with Labor Code section 6404.5(i).

Section 8.60.030 Definitions

Because of the adoption of the statewide smokefree workplace law (Labor Code section 6404.5) many of the provisions of the County Code are no longer needed, and as a result many of the definitions listed are no longer needed.

- A. *Bar* - Delete: smoking is no longer allowed in bars per Labor Code section 6404.5(f).
- E. *Enclosed area* - Clarify: the definition used the term "office landscaping." I have no idea what this is, so maybe it should be clarified or deleted. (This is really only a very minor issue.)
- F. *Members of the general public* - Revise or Delete: the definition excludes "employees" (and then gives a long list of them). The state law, however, is explicitly designed to

protect employees from exposure to secondhand smoke (LC 6404.5(a)), so the County Code's definition and subsequent provisions that protect the general public but not employees would be in conflict with state law. The County could either revise the definition of general public and eliminate the portion "but excludes ... or county." Or the definition of general public could be deleted completely because it is used in a commonly understood manner in the rest of the Chapter.

- G. *Office* - Delete: enclosed workplaces, including offices, are made smokefree under the state law (LC 6404.5(b)).
- I. *Restaurant* - Delete: enclosed workplaces, including restaurants, are made smokefree under the state law (LC 6404.5(b)).
- J. *Smoking* - Revise: "Smoking means lighting, igniting, inhaling, exhaling, or burning of any type of pipe, cigar, cigarette, weed, or plant, or carrying any type of lighted cigar, lighted cigarette, lighted weed, lighted, plant, or other ignited combustible substance in any manner or in any form" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.
- K. *Tobacco Store* - Delete: doesn't seem to have even been used in original code, so not exactly sure why included in the definition section.
- L. *Workplace* - Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).

8.60.040 Smoking Prohibitions, Public Places

Many of the provisions included in the County Code are no longer needed because of the adoption of the statewide smokefree workplaces law (Labor Code section 6404.5). The County may want to keep a few of the provisions in its code to help clarify some aspects of the state law. Highlight both those provisions that could be deleted because state law supersedes them as well as those parts of the Code the County might want to keep for clarity.

- A.1 and A.2 - Delete: Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).
- A.3, A.4, A.5 - Keep: Communal spaces such as hallways, restrooms, stairways, and elevators can be covered under the state law as a workplace (for example the cleaning staff's workplace), but in buildings that might have only sole proprietors (businesses with no employees), then these communal areas might not be seen as workplaces. The County Code's original intent was to protect the general public from secondhand smoke and make areas where the general public had access to smokefree. Keeping these subsections in the County Code maintains this intention and clarifies that enclosed communal areas of public spaces should be smokefree.
- A.6 - Keep: The state smokefree workplace law actually allows a smoking section in hotel/motel lobbies. See Labor Code section 6404.5(d)(2). The County Code is stronger than the state law and prohibits smoking in all lobbies, therefore, would recommend keeping this subsection.
- A.7, A.8, A.9, A.10 - Delete: enclosed workplaces, including reception areas, waiting rooms, indoor places where people wait in line, and classrooms, are made smokefree under the state law (LC 6404.5(b)).
- A.11 - Keep: this is a great provision that makes it clear that any indoor place where the public goes must be smokefree.

- B. Stores* - Delete: enclosed workplaces, including shopping malls and retail spaces, are made smokefree under the state law (LC 6404.5(b)).
- C. Banks* - Delete: enclosed workplaces, including banks and other financial institutions, are made smokefree under the state law (LC 6404.5(b)).
- D. Hotels/Motels* - Delete the phrase “and in on-premise restaurants and bars as provided in sections 8.60.040 and 8.60.060.” Smoking is not allowed in bars or restaurants under state law. Revise the provision to no smoking in hotel/motel lobbies, banquet and meeting rooms, and 80% of guest rooms.
- E. Terminals* - Delete: enclosed workplaces, including bus and train depots, are made smokefree under the state law (LC 6404.5(b)).
- F. Buses and public transit* - Delete: enclosed workplaces, including public transit vehicles, are made smokefree under the state law (LC 6404.5(b)).
- G. Theaters* - Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)). The exemption in the County Code allowing smoking in theater productions is included in state law (LC 6404.5(d)(9)).
- H. Recreational facilities* - Delete: enclosed workplaces, including indoor sporting facilities, are made smokefree under the state law (LC 6404.5(b)).
- I. Recreation halls* - Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)). Bingo halls were made smokefree under state law pursuant to Labor Code section 6404.5(f).
- J. Restaurants* - Delete entire subsection: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).
- K. County buildings* - Delete: enclosed workplaces, including city and county buildings, are made smokefree under the state law (LC 6404.5(b)).
- L. County courthouse* - Delete: enclosed workplaces, including county facilities, are made smokefree under the state law (LC 6404.5(b)).
- M. Places of exhibitions* - Delete: enclosed workplaces, including museums, galleries, etc., are made smokefree under the state law (LC 6404.5(b)).
- N. Hospitals* - Delete: enclosed workplaces, including medical facilities, are made smokefree under the state law (LC 6404.5(b)). There is, however, an exemption under state law that allows for smoking in a specially designated patient smoking areas in certain types of long-term health care facilities (see LC 6404.5(d)(12)).
- O. Schools* - Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).

P. Day care facilities - Keep: the County's provision is a bit stronger than the state law which prohibits smoking in day care facilities only during hours of operation and in those areas used for day care (see Labor Code section 6404.5(d)(11)).

8.60.050 Smoking Prohibitions, Workplaces

This entire section can be deleted, as enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).

8.60.060 Places Where Smoking is Permissible

The state law prohibits smoking in most of the places the County Code allowed it.

- A. *Bars* - Delete: bars are made smokefree under the state law (LC 6404.5(f)).
- B. *Private clubs* - Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).
- C. *Meeting rooms* - Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)). Smoking is allowed in certain areas and under certain in hotels/motels (LC 6404.5(d)(3)).
- D. Delete: enclosed workplaces are made smokefree under the state law (LC 6404.5(b)).

8.60.070 Exemption Procedures

This entire section should be deleted. State law does not allow for any business or organization to petition for an exemption to the smoking restrictions. The only exemptions allowed to the state smokefree workplace law are itemized in Labor Code section 6404.5(d).

8.60.080 Posting Requirements

This section of the County Code is more detailed than the state law on posting signs, the County may want to keep this section.

8.60.090 Retaliation Prohibited

8.60.100 Violations and Penalties

8.60.110 Retaliation Remedies

These three sections have not been superseded by state law.

8.60.120 Enforcement

This section has not been superseded by state law, the County may want to review it to make sure that the duties and procedures still make sense giving the County's current staff and departments.

1. U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary*.; 2014. Available at: www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf.
2. U.S. Surgeon General. Factsheet: The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. 2014. Available at: www.surgeongeneral.gov/library/reports/50-years-of-progress/fact-sheet.html. Accessed June 2, 2015.
3. U.S. Department of Health and Human Services. 2006 Surgeon General's Report—The Health Consequences of Involuntary Exposure to Tobacco Smoke. 2006. Available at: www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm. Accessed June 14, 2014.
4. California Environmental Protection Agency Air Resources Board. *Environmental Tobacco Smoke: A Toxic Air Contaminant. California Environmental Protection Agency Air Resources Fact Sheet*.; 2006. Available at: www.arb.ca.gov/toxics/ets/factsheetets.pdf.
5. California Environmental Protection Agency Air Resource Board. California Identifies Secondhand Smoke as a "Toxic

- Air Contaminant.” *News Release*. 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm.
6. Chemicals known to the state to cause cancer or reproductive toxicity. State of California Environmental Agency Office of Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986. 2015. Available at: www.oehha.ca.gov/prop65/prop65_list/files/P65single012315.pdf.
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 8. Klepeis NE, Ott WR, Switzer P. Real-time measurement of outdoor tobacco smoke particles. *J Air Waste Manag Assoc*. 2007;57(August 2013):522–534. doi:10.3155/1047-3289.57.5.522.
 9. Repace J. Benefits of Smokefree Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles. *William Mitchell Law Rev*. 2008;34(4):1621–1638. Available at: www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf.
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El Dorado County

Tobacco & Smoke Free Campus

El Dorado County Tobacco Use Prevention Program

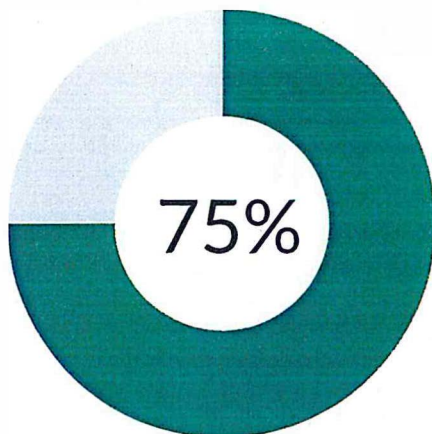
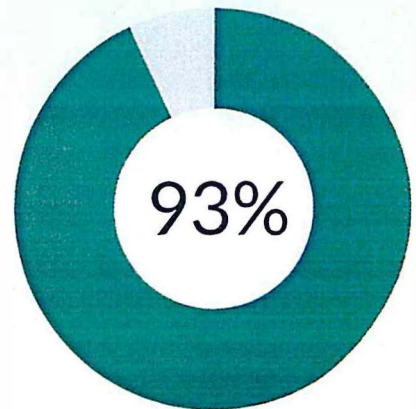
The El Dorado County Tobacco Use Prevention Program (TUPP) asks that the Board of Supervisors support the adoption of a smoke-free and tobacco-free campus policy. The purpose of this policy would be to provide an environment for the County of El Dorado that protects the lives and promotes the health, wellness and safety of staff, clients, contractors, volunteers, inmates and visitors.

In 2017 and 2018, TUPP surveyed a select group of El Dorado County program participants to solicit their opinions and thoughts surrounding the adoption of a tobacco and smoke free campus policy. The results of these surveys are summarized below.

El Dorado County Program Participant Opinions

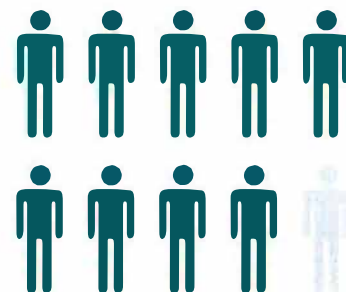
122 participants responded to the tobacco use in outdoor areas survey

93% believe that secondhand smoke and aerosol vapors are harmful to those who inhale it



75% have been bothered by secondhand smoke exposure in outdoor areas in the past year

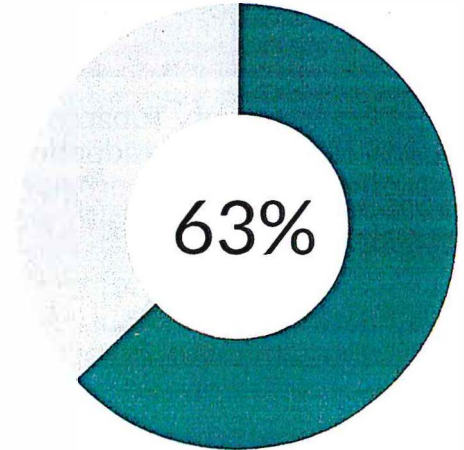
87% of respondents think it's important to support smoking restrictions in outdoor areas



El Dorado County Staff Opinions

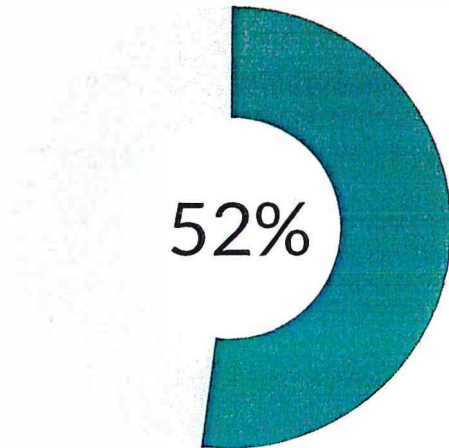
635 employees responded to the smoke-free and tobacco-free survey

encounter smoke from tobacco products while at work



52%

stated that secondhand smoke at their facility bothers them



70% of respondents stated that they would support the adoption of smoke-free and tobacco-free campus



What could a tobacco free, smoke free campus policy look like in El Dorado County?

The best way to completely eliminate the negative health risks of secondhand smoke exposure in the workplace is to implement and enforce comprehensive 100 percent smoke-free and tobacco-free policy.

The El Dorado County Tobacco Use Prevention Program recommends that the Board of Supervisors approve the development of a policy to prohibit smoking and tobacco use in all outdoor areas owned or leased by the county, including parking lots, walkways, and the grounds of all buildings owned or leased by the county.

California Statewide Smoking Restrictions

Child/Day Care Centers

SMOKING IS PROHIBITED

Within licensed day care centers, including private residences licensed as family day care homes. (Health and Safety Code Section 1596.795)

Farmers' Markets

SMOKING IS PROHIBITED

Within 25 feet of the common commerce area of certified farmers' markets. (Health and Safety Code Section 114371)

Foster and Group Homes

SMOKING IS PROHIBITED

Within a foster or group home, as well as outside the home when children are present. (Health and Safety Code Section 1530.7)

Government Buildings

SMOKING IS PROHIBITED

In all state, county, and city government buildings, including California community college district buildings, as well as within 20 feet from their main exits, entrances, or operable windows, and in any passenger vehicle owned by the state. (Government Code Section 7596-7597)

Multi-unit Housing

SMOKING IS PROHIBITED

In apartment and condominium indoor common areas (including hallways, stairwells, laundry rooms and recreation rooms). (Labor Code Section 6404.5) In addition, it is legal for landlords to make all housing they own and manage smoke-free. (Civil Code Section 1947.5)

Personal Vehicles

SMOKING IS PROHIBITED

When a minor (less than 18 years of age) is present in a motor vehicle that is in motion or at rest. (Health and Safety Code Section 118948)

Public Transportation

SMOKING IS PROHIBITED

In all public transportation systems and in any vehicle of an entity receiving transit assistance. (Health and Safety Code Section 118925)

Workplaces

SMOKING IS PROHIBITED

In all indoor workplaces including bars, restaurants, offices, factories and warehouses. Exceptions include long-term health care facilities (which may designate smoking areas for patients), theatrical productions (where smoking is an integral part of the story), and medical research or treatment sites (where smoking is integral to the research or treatment). Cabs of trucks or tractors must be smoke-free when nonsmoking employees are present. All hotel and motel lobbies, common areas, employee-only areas, meeting or banquet rooms, and at least 80% of guest rooms within a hotel must be smoke-free. Smoking is allowed in tobacco shops and in private smokers' lounges, as long as it occurs in an enclosed area in or attached to a retail or wholesale tobacco shop. (Labor Code Section 6404.5)

Youth Busses

SMOKING IS PROHIBITED

By an operator of a youth bus at all times when operating a youth bus. (Vehicle Code 12523)

Correctional Facilities

SMOKING AND TOBACCO PRODUCTS ARE PROHIBITED

In all state correctional facilities. Only possession of tobacco products in Department of Corrections' residential staff housing where inmates are not present is permitted. (Penal Code Section 5030.1)

Playgrounds, Tot Lots & Youth Sporting Events

SMOKING AND TOBACCO PRODUCTS ARE PROHIBITED

Within 25 feet of a playground, tot lot sandbox, or recreational area specifically designed for use by children, and within 250 feet of a youth sports event, which includes any practice, game, or related activity at which athletes up to 18 years of age are present. (Health and Safety Code 104495)

Schools (Public & Charter)

SMOKING AND TOBACCO PRODUCTS ARE PROHIBITED

In all school districts, charter schools, and county offices of education, while students attend school-sponsored activities or are under the supervision and control of school employees. Tobacco and nicotine products are prohibited in charter school- or school district-owned or leased buildings, on school or district property, and in school or district vehicles. (Health and Safety Code Sections 104420, 104559; Education Code 48901)

California's Statewide Smoke-free Air Laws

California's Statewide Smoke-free Air Laws

About the Laws

California has long led the way in adopting strong and innovative smoke-free air laws that protect people from secondhand smoke exposure. These laws protect Californians at most workplaces and in spaces often frequented by children and youth, who are especially vulnerable to the negative health effects of secondhand smoke. California's smoke-free laws include traditional tobacco products such as cigarettes, cigars, and pipes, as well as electronic smoking devices. Certain laws prohibit the use of all tobacco products, including tobacco that is chewed or dissolved.

Why Smoke-Free Air Laws Matter

Smoking and secondhand smoke cause life threatening diseases. It is estimated that nearly 40,000 Californians die each year from diseases caused by smoking and secondhand smoke exposure. California's smoke-free air laws protect non smokers from the deadly consequences of secondhand smoke exposure and reinforce social behaviors against the habit of smoking, which can encourage people who smoke to quit once and for all. Free help with quitting is available at <https://www.nobutts.org/> or by calling 1-800-NO BUTTS (1-800-622-8887).

Local Laws May be Stronger

Local jurisdictions have and continue to adopt smoke-free laws that are stronger than state laws. Contact your local tobacco control program to learn more about your municipal smoke-free laws or to report smoking violations. For more information, visit www.cdph.ca.gov/Tobacco





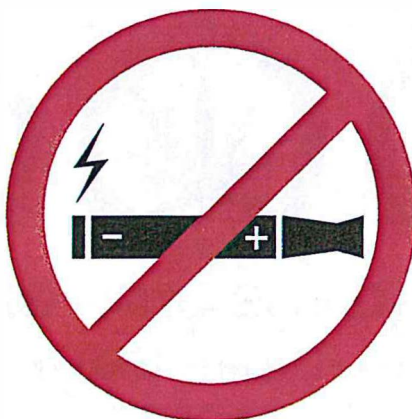
Smoke-free Protections in the Workplace and Electronic Smoking Devices

A Summary for Employers and Owner-Operated Businesses

Two new California laws immediately affect employers and owner-operated businesses. They include changes to California Labor Code section 6404.5, California's Clean Indoor Air Law.

As of June 9, 2016, employers and owner-operated businesses must comply with the following laws.

1. Certain areas and workplaces previously exempt under the Clean Indoor Air Law must now be smoke-free.¹
2. Electronic smoking devices cannot be used anywhere cigarette smoking is prohibited under state law.²



Additional Areas Must be Smoke-free, Including Use of Electronic Smoking Devices

SMOKING IS PROHIBITED IN THE FOLLOWING PLACES

(which were previously exempt under the law):

- ⊘ Owner-operated businesses (even if the owner-operator of the business works alone with no other employees, independent contractors, or volunteers)
- ⊘ Small businesses (five or fewer employees)
- ⊘ Warehouses
- ⊘ Breakrooms
- ⊘ The following areas of hotels, motels, and similar transient lodging establishments:
 - All areas of the lobby
 - All areas of meeting and banquet rooms
 - 80% of guestrooms (previously, only 35% of guestrooms were required to be smoke-free)
- ⊘ Covered parking lots

EMPLOYER AND OWNER-OPERATED BUSINESS REQUIREMENTS

It is **ILLEGAL** for an employer or owner-operated business to allow any person to smoke in an enclosed space (with only certain exemptions).

- Smoking includes the use of an electronic smoking device, whether or not it contains nicotine. For example, the use of e-cigarettes and vape pens is prohibited.
- Smoking includes marijuana smoking, including medical marijuana.

Violators are subject to penalties set forth in the Clean Indoor Air Law. To avoid a violation, employers and owner-operated businesses should post clear and prominent No Smoking signs.



Remaining Exemptions

THE CLEAN INDOOR AIR LAW CONTAINS A FEW EXEMPTIONS FOR PLACES NOT REQUIRED TO BE SMOKE-FREE UNDER STATE LAW.

- Private residences, except for licensed family daycare homes
- Cabs of motor trucks or truck tractors, only if nonsmoking employees are not present
- Theatrical production sites, only if smoking is integral to the story
- Medical research or treatment sites, only if smoking is part of research and treatment
- Patient smoking areas in long-term health facilities
- Retail or wholesale tobacco shops, which are business establishments that have the main purpose of selling tobacco products and smoking accessories
- Private smokers' lounges, which are enclosed areas in or attached to a retail or wholesale tobacco shop that are dedicated to the use of tobacco products

The exemptions for a retail or wholesale tobacco shop and private smokers' lounge do not apply to businesses that sell alcohol.³ These exemptions may apply to a vape shop only if it meets the definition of "retail or wholesale tobacco shop" or "private smokers' lounge."

Employers and owner-operated businesses may adopt their own smoke-free policies that cover areas not protected by state law. For example, a restaurant can voluntarily make its outdoor dining area smoke-free.

Employers and owner-operated businesses are responsible for knowing and complying with local smoke-free laws which may be stricter than state law. Local laws may include other smoke-free requirements. Contact your local public health department with questions about local smoke-free laws.

For more information about California's Clean Indoor Air Law, contact the California Tobacco Control Program at (916) 449-5500, or visit www.tobaccofreeca.com.

1. Assembly Bill No. 7, 2015-16 2d Extraordinary Sess., Amending Cal. Labor Code §§ 6404.5(a)-(m), (Ca. 2016), *available at* https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520162AB7.
2. Senate Bill No. 5, 2015-16 2d Extraordinary Sess., Amending Cal. Bus. & Prof. Code §§ 22950.5(c)-(d) and Cal. Labor Code §§ 6404.5(l)-(m) (Ca. 2016), *available at* https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520162SB5.
3. 94 Ops.Cal.Atty.Gen. 46 (Dec. 21, 2011).

California's Clean Indoor Air Laws

Employers and owner-operated businesses must comply with state tobacco laws

California Clean Indoor Air laws prohibit smoking these products indoors:



Cigars, Little Cigars/Cigarillos



E-Cigarettes



Cigarettes



Marijuana



Hookah

California laws allow smoking in:

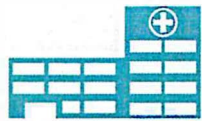
Company Vehicles

Cabs of motor trucks or truck tractors if nonsmoking employees are not present.



Health Care Facilities

Patient smoking areas of long-term health care facilities.



Hotels/Motels

20% of hotel/motel guest rooms.



Tobacco Shops and Private Smokers' Lounges

Tobacco shops & smokers' lounges that meet specific criteria.



Theatrical Productions

Theatrical productions if smoking is an integral part of the story.



Medical Research and Treatment Sites

Medical research or treatment sites if smoking is integral to the research or treatment.



California laws prohibit smoking in:

Indoor Workspaces

- Public and private offices and office buildings
- Small businesses with 5 or fewer employees
- Owner-operated businesses
- Government buildings
- Factories and warehouses
- Restaurants, bars, taverns, gaming clubs, bingo halls, and pool halls
- Hotel/motel lobbies, banquet and meeting rooms, and 80% of guestrooms
- Social organizations such as Elks Lodges or Veterans Clubs
- Malls, movie theatres, and gyms
- Private residences serving as a daycare, transitional housing, and crisis nurseries
- Covered parking lots, state-owned vehicles, taxi cabs, and cabs of motor trucks and tractor trailers if nonsmokers are present

Indoor Spaces

- K-12 public and private schools, universities, colleges, community colleges and trade schools, including residence halls
- Personal vehicles when a minor is present
- Youth and paratransit buses
- Public transportation
- Foster and group homes
- Multi-unit housing common areas
- State correctional facilities
- Hookah lounges if not licensed as a tobacco shop or private smokers' lounge
- Medical marijuana dispensaries
- Nonprofit charitable food facilities
- Specified patient areas of a health clinic or facility

Outdoor Spaces

- 25 ft from tot lots, playgrounds, and certified farmers' markets
- Public and charter school campuses
- 20 ft from main entrance/exit and operable windows of government buildings

This infographic is for informational purposes only.

Developed by the California Tobacco Control Program, a program of the California Department of Public Health © 2016

Comprehensive Outdoor Secondhand Smoke Ordinances



March 2018

According to the U.S. Surgeon General, secondhand smoke exposure is harmful at any level. Local cities and counties in California have taken steps to protect their residents from this danger by passing ordinances that restrict smoking in outdoor areas where people congregate.

While some cities and counties prohibit smoking in only one type of outdoor area, many cities have passed comprehensive ordinances that prohibit smoking in most outdoor areas. The ordinances are considered comprehensive when prohibiting smoking in five of the seven following areas:

- 1. Dining Areas** – defined as outdoor seating at restaurants, bars, etc.
- 2. Entryways** – defined as within a certain distance of doors, windows, and other openings into enclosed areas
- 3. Public Events** – defined as farmer's markets, fairs, concerts, etc.
- 4. Recreation Areas** – defined as parks, beaches, trails, sports fields, etc.
- 5. Service Areas** – defined as bus stops, ATM lines, ticket lines, taxi stands, etc.
- 6. Sidewalks** – defined as public sidewalks, such as sidewalks around downtown shopping and business areas
- 7. Worksites** – defined as any outdoor working area, such as construction areas

One hundred and four (104) cities and counties in California have passed comprehensive outdoor secondhand smoke ordinances. The full list of these jurisdictions is available in a table on pages 3-5 which outlines the different areas where each ordinance restricts smoking.

Comprehensive Ordinances: Two Approaches for Success

There are two approaches for a comprehensive outdoor secondhand smoke ordinance. The first approach, or **inclusive approach**, is an ordinance that bans smoking in all public places in the community. Cities that have passed inclusive ordinances, such as El Cajon and Loma Linda, restrict smoking in all outdoor public places rather than listing the specific areas where smoking is banned. All seven outdoor areas (see left) are covered, as well as all other public places such as parking lots.

The second approach, followed by most other communities, is the **listing approach**. Instead of prohibiting smoking in all public places, these ordinances specifically list the places where smoking is prohibited. This model provides the same type of protection from secondhand smoke as the inclusive approach, but just in fewer locations. This approach allows a community more flexibility in terms of where smoking can be prohibited and allows for communities to gradually expand their smoke-free outdoor areas over time.

Implementation

Because these ordinances are designed to be self-enforcing, it is important for the city or county to properly implement the ordinance with an education campaign to make the public aware of the locations where smoking is prohibited. A good implementation plan can include several different elements depending on city/county resources, including signage, publications, websites and dedicated staff. While every jurisdiction may not include all of these elements, it is important to include as many as possible to ensure that the ordinance is effective at prohibiting smoking in these outdoor areas. Below are descriptions of each of these elements:

Signage – “No smoking” signs make it clear to the public where smoking is prohibited and empower people to ask someone to stop smoking.

Publications – Materials such as brochures, Frequently Asked Questions (FAQs) and window decals are useful for providing to businesses so that they can comply with the new law.

Websites – A useful way to reach a broad audience is to dedicate a section of the jurisdiction’s website to providing information on the ordinance.

Dedicated Staff – Some cities have designated a specific staff person to work on educating businesses and the public about the policy.

Enforcement

Comprehensive outdoor secondhand smoke ordinances are designed to be self-enforcing. When communities pass these types of policies, they do not intend for police officers to spend their time searching for people smoking in public places. Rather, the expectation is that through education and signage (see “Implementation” above), residents will become

aware of the smoking restrictions and most individuals who smoke will obey the law. If someone does smoke in a restricted area, other people are likely to ask that individual to stop and inform him/her of the smoking restrictions.

Despite the reliance on self-enforcement, all of the ordinances listed have some provisions that allow the city to enforce the ordinance if needed. Cities and counties have made violations of their outdoor secondhand smoke ordinance punishable as a misdemeanor, infraction or both. In addition, an enforcement agency is usually designated to enforce the smoking prohibitions. Examples of the individuals and departments who are designated as enforcement agencies include police officers, code enforcement officers, city attorneys, city prosecutors, city managers, the fire department, health and human services department, environmental health department and parks department.

A final enforcement provision found in some of the ordinances, such as Temple City, San Fernando and Hermosa Beach, is private enforcement. This enforcement option empowers an individual to enforce the nonsmoking prohibition by bringing a civil action in court against a violator and suing for damages that were caused by violations of the ordinance. This is often included in addition to the above mentioned enforcement options.

Other Resources

The Center has other resources on outdoor secondhand smoke ordinances available on our website at: www.Center4TobaccoPolicy.org/tobacco-policy/smokefree-outdoor-areas

To view sample language for drafting outdoor smoking ordinances, please visit ChangeLab Solutions at: www.ChangeLabSolutions.org

TABLE OF COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

The 104 cities and counties in California with comprehensive ordinances are listed below, including in which outdoor areas smoking is prohibited in each community.

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Morgan Hill (August 2017)	X*	X	X*	X*	X		
Santa Barbara (August 2017)	X*	X*	X	X	X		X
Calabasas (June 2017)	X	X	X	X	X	X	X
Alturas (February 2017)	X*	X		X	X		X
San Anselmo (February 2017)	X	X	X	X	X		X
Cloverdale (January 2017)	X	X	X	X	X	X	X
Laguna Beach (January 2017)	X*	X	X	X	X	X	X
Ventura County (April 2017)	X*	X*	X*	X*	X*		X*
Bell (December 2017)	X	X	X*	X*	X	X	
San Bruno (November 2016)		X	X	X	X		X
Belvedere (September 2016)	X	X	X	X	X		X
Oxnard (September 2016)	X	X	X	X	X		
Saratoga (August 2016)	X	X	X	X	X		X
Sonoma City (June 2016)	X	X	X	X	X	X	
Fortuna (March 2016)	X	X	X	X	X		X
Los Gatos (May 2016)	X	X	X	X	X	X	X
San Rafael (April 2016)	X	X	X*	X	X	X	X
Sunnyvale (February 2016)	X*	X	X*	X	X*		
Pleasant Hill (November 2015)	X*	X	X*	X	X	X	
Capitola (October 2015)	X*	X	X	X	X	X	
Cotati (October 2015)	X*	X	X	X	X*		
Davis (September 2015)	X	X	X	X	X	X	
Daly City (August 2015)	X	X	X	X	X	X	X
Santa Barbara County (July 2015)	X*	X	X	X	X		
Palo Alto (May 2015)	X	X	X	X	X	X	X
Livermore (April 2015)	X	X		X*	X	X	
Hemet (March 2015)	X	X	X	X	X		
Oceanside (March 2015)	X	X		X*	X*	X	
Paradise (February 2015)	X*	X	X*	X*	X		
Agoura Hills (January 2015)	X*	X		X	X	X	
El Cerrito (January 2015)	X	X	X	X	X	X	X
Piedmont (December 2014)	X	X	X	X	X	X	X
Foster City (October 2014)	X*	X	X	X	X	X	
Manhattan Beach (July 2014)	X	X	X	X	X	X	X
Oakley (July 2014)	X	X	X	X	X		
Rancho Cordova (June 2014)	X	X	X	X	X		

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Corte Madera (May 2014)	X	X	X	X	X		X
Beverly Hills (April 2014)	X	X*	X*	X	X		
Temple City (December 2013)	X	X	X	X	X		
Lafayette (November 2013)	X	X	X	X	X		
Coronado (October 2013)	X*	X	X	X	X	X	
Walnut Creek (October 2013)	X	X	X	X	X	X*	X*
Arcata (July 2013)	X*	X	X	X	X	X	X
San Ramon (February 2013)	X	X	X	X	X		
Petaluma (January 2013)	X	X	X	X	X		X
Fremont (November 2012)	X	X	X	X	X	X	X
Mill Valley (September 2012)	X	X	X	X	X		X
San Fernando (September 2012)	X	X	X	X	X		
Sausalito (August 2012)	X	X	X	X	X		X
Morro Bay (February 2012)	X	X	X*	X	X		X
Orland (February 2012)	X	X	X*	X*	X		
Carson (December 2011)	X	X	X	X	X		X
Laguna Hills (December 2011)	X	X	X	X	X		
Solana Beach (December 2011)	X	X	X	X	X		
Alameda (November 2011)	X	X	X	X	X	X	X
Hermosa Beach (November 2011)	X	X	X	X	X	X	X
Compton (October 2011)	X	X	X	X	X		
Sonoma County (October 2011)	X	X	X	X	X		
Campbell (September 2011)	X	X	X	X	X		
Concord (September 2011)	X*		X*	X*	X*	X	
Huntington Park (August 2011)	X	X	X	X	X		X
Fairfax (June 2011)	X	X	X	X			X
Larkspur (April 2011)	X	X	X	X	X		X
Carpinteria (February 2011)	X	X	X*	X	X	X	X
Santa Clara County (November 2010)	X	X	X	X	X		X
Union City (November 2010)	X	X	X	X	X		X
Contra Costa County (October 2010)	X	X	X	X	X		
Menlo Park (October 2010)	X*	X	X*	X	X		X
Sebastopol (August 2010)	X	X	X	X	X		X
Eureka (July 2010)	X	X	X	X	X	X*	X
Camarillo (April 2010)	X	X	X	X	X	X*	X
Pinole (April 2010)	X	X	X	X	X		
San Luis Obispo (April 2010)	X*	X	X	X	X	X	X
San Francisco (March 2010)	X*	X*	X*	X	X		
Del Mar (December 2009)	X	X	X	X	X	X	X
San Leandro (December 2009)	X	X	X	X	X		X

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Palm Desert (November 2009)	X	X	X	X	X	X	X
Moorpark (September 2009)	X	X	X*	X	X	X	X
Santa Cruz (September 2009)	X	X		X	X	X	
Richmond (June 2009)	X	X	X	X	X		
Martinez (April 2009)	X	X	X	X	X		X
Rohnert Park (April 2009)	X	X	X	X*	X		
Dublin (October 2008)	X	X	X*	X*	X		
Glendale (October 2008)	X*	X	X	X	X		X
Pasadena (October 2008)	X	X	X	X	X		
Thousand Oaks (July 2008)	X*	X	X*	X*	X		
Loma Linda (June 2008)	X	X	X	X	X	X	X
Albany (May 2008)	X*	X	X	X	X	X*	X
Hayward (May 2008)	X	X	X*	X	X	X	
Novato (April 2008)	X*	X	X	X	X		X
Berkeley (December 2007)	X	X		X	X	X*	X
Ross (October 2007)	X	X	X	X	X		
Belmont (October 2007)	X	X	X	X	X		X
El Cajon (August 2007)	X	X	X	X	X	X	X
Blue Lake (June 2007)	X*	X	X*	X	X		
Temecula (May 2007)	X	X	X	X	X		X
Burbank (April 2007)	X*	X	X	X*	X*	X*	
Baldwin Park (February 2007)	X	X	X*	X	X		
Emeryville (December 2006)	X	X		X	X		X*
Laguna Woods (November 2006)	X*	X	X	X	X		
Marin County (November 2006)	X*	X	X	X	X		X
Santa Monica (October 2006)	X	X	X*	X	X	X*	
Mammoth Lakes (June 2006)	X	X	X	X	X		X
Santa Rosa (June 2006)	X	X	X	X	X*	X*	

*Policy that does not prohibit smoking in 100% of the specified area.

First Time California Has Changed Tobacco Age Law in 144 Years

On June 9, 2016, tobacco retailers will be prohibited from selling tobacco products (including electronic smoking products and devices) to people under 21 years of age unless they're active duty military personnel.

Additionally, e-cigarette use is not allowed anywhere smoking is prohibited including public transit, worksites, restaurants, schools, and playgrounds.



According to the National Survey on Drug Use and Health, some 90 percent of tobacco users start before 21, and about 80 percent first try tobacco before they're 18.

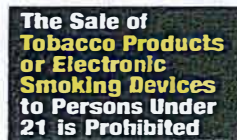
A 2015 study by the Centers for Disease Control and Prevention found that the use of e-cigarettes by high school students tripled from 2013 to 2014. The classification of e-cigarettes as tobacco products will also make it harder for youth to get these types of products and devices. A 2015 Institute of Medicine study estimated that increasing the tobacco purchase age to 21 would result nationally in 200,000 fewer premature deaths for those born between 2000 and 2019.

The California Department of Public Health (CDPH) is developing educational resources for retailers to learn more about the Tobacco 21 law and to help retailers comply. Please visit CDPH's Web site for further details, resources and information to make sure you're prepared.

cdph.ca.gov/programs/tobacco/Pages/Tobacco21.aspx

New Tobacco Laws Take Effect June 9th

- SB X2 5 (Leno) classifies e-cigarettes as tobacco products, making them subject to smoke-free laws, age restrictions and other rules governing tobacco products. California's smoke-free workplace law, which is enforced locally, will now prohibit the use of e-cigarettes everywhere tobacco smoking is prohibited.
- AB X2 7 (Stone) removes certain exemptions from the smoke-free workplace laws, including enclosed workplaces, hotel lobbies, meeting rooms, banquet rooms, warehouses, and employee breakrooms; and decreases the number of hotel/motel guestrooms where smoking is allowed from 65 percent to 20 percent. And, the removal of these certain exemptions will also apply to e-cigarettes as well.
- SB X2 7 (Hernandez) prohibits the sale, furnishing or giving of tobacco products, including e-cigarettes, to persons under 21. When checking IDs of tobacco product purchasers, retailers will now need to ensure that the buyer is 21 or over.
- AB X2 9 (Thurmond & Nazarian) requires all public schools to be tobacco free, including charter schools; and provides that tobacco-free school campus policy includes e-cigarettes. Previously, only schools that received tobacco use prevention funding were required to be tobacco free.
- AB X2 11 (Nazarian) raises tobacco licensing fees applicable to retailers, distributors and wholesalers, under the state Board of Equalization from a one-time fee to an increased annual fee.



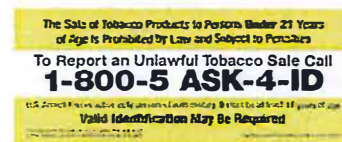
Products Covered by the New Tobacco Laws

- E-cigarettes
- E-hookah
- Vape Pens
- Vaping Devices
- Mods
- E-liquids
- Hookah
- Cigarettes
- Cigars
- Cigarillos
- Little Cigars
- Chewing Tobacco
- Snus
- Pipe Tobacco



Within the California Department of Public Health (CDPH) is the California Tobacco Control Program (CTCP) – with a mission to improve the health of all Californians by reducing illness and premature death attributable to the use of tobacco products. Through leadership, experience and research, CTCP empowers statewide and local health agencies to promote health and quality of life by advocating for social norms that create a tobacco-free environment.

CTCP funds and coordinates the efforts of local communities in California to create smoke-free environments, prevent illegal sales of tobacco products to youth, counter marketing practices of the tobacco industry, and help smokers to quit using tobacco products.



CONNECT



California's Clean Indoor Air Laws

Employers and owner-operated businesses must comply with state tobacco laws

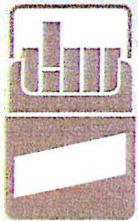
California Clean Indoor Air laws prohibit smoking these products indoors:



Cigars, Little Cigars/Cigarillos



E-Cigarettes



Cigarettes



Marijuana



Hookah

California laws allow smoking in:

Company Vehicles

Cabs of motor trucks or truck tractors if nonsmoking employees are not present.



Health Care Facilities

Patient smoking areas of long-term health care facilities.



Hotels/Motels

20% of hotel/motel guest rooms.



Tobacco Shops and Private Smokers' Lounges

Tobacco shops & smokers' lounges that meet specific criteria.



Theatrical Productions

Theatrical productions if smoking is an integral part of the story.



Medical Research and Treatment Sites

Medical research or treatment sites if smoking is integral to the research or treatment.



California laws prohibit smoking in:

Indoor Workspaces

- Public and private offices and office buildings
- Small businesses with 5 or fewer employees
- Owner-operated businesses
- Government buildings
- Factories and warehouses
- Restaurants, bars, taverns, gaming clubs, bingo halls, and pool halls
- Hotel/motel lobbies, banquet and meeting rooms, and 80% of guestrooms
- Social organizations such as Elks Lodges or Veterans Clubs
- Malls, movie theatres, and gyms
- Private residences serving as a daycare, transitional housing, and crisis nurseries
- Covered parking lots, state-owned vehicles, taxi cabs, and cabs of motor trucks and tractor trailers if nonsmokers are present

Indoor Spaces

- K-12 public and private schools, universities, colleges, community colleges and trade schools, including residence halls
- Personal vehicles when a minor is present
- Youth and paratransit buses
- Public transportation
- Foster and group homes
- Multi-unit housing common areas
- State correctional facilities
- Hookah lounges if not licensed as a tobacco shop or private smokers' lounge
- Medical marijuana dispensaries
- Nonprofit charitable food facilities
- Specified patient areas of a health clinic or facility

Outdoor Spaces

- 25 ft from tot lots, playgrounds, and certified farmers' markets
- Public and charter school campuses
- 20 ft from main entrance/exit and operable windows of government buildings

This infographic is for informational purposes only.

Developed by the California Tobacco Control Program, a program of the California Department of Public Health © 2016



The Situation

Stores in our communities play a critical role in our health. They not only impact the economic well-being of neighborhoods, but also the physical health of the people who visit them. The types of products available, many of which contribute to chronic health issues, and how they're promoted influence us all, but especially our kids.

In 2016, the tobacco industry spent \$9 billion¹ advertising and promoting tobacco products in California and our kids are paying the price. Exposure to tobacco marketing in stores increases tobacco experimentation and use by youth² and is more powerful than peer pressure.³

Marketing of unhealthy foods has a great impact, particularly on kids. Kids consume more of it, more often because it's promoted heavily to them – \$1 million an hour is spent by companies selling

candy, chips and other unhealthy foods.⁴ Low-income communities also have less access to fresh, affordable and nutritious food, furthering the problems.⁵ In addition, underage drinking increases when youth are exposed to alcohol ads. In fact, 1 in 5 California high students drink 5 or more alcoholic drinks in a row per month.⁷



The Campaign

The Healthy Stores for a Healthy Community campaign is a statewide collaboration among tobacco use prevention, nutrition, alcohol and communicable disease prevention partners. The goal is to improve the health of Californians through changes in community stores and to educate people how in-store product marketing influences consumption of unhealthy products. Working together, we can make our community a healthier place and maintain a vibrant business community.

The Survey

Scientific surveys were recently conducted throughout California to assess product marketing and the availability of healthy and unhealthy options offered in stores that sell tobacco. This was **the second time** in California that tobacco, alcohol and food were analyzed together. This information is valuable to help make the places we shop healthier.

More than 7,000 stores were surveyed in all 58 counties, which included convenience, supermarket, liquor, tobacco, small market, discount, drug and big-box stores. Approximately 700 individuals participated in gathering information statewide, including representatives from public health, community volunteers and youth.

WHAT WE KNOW...

	EL DORADO	CA
% of adults who smoke (2012-14)	16.3%	12.7%
% of youth who use tobacco products (2016, grades 9-12)	22.7%	13.8%
cost of smoking (2013)	\$35,017,267	\$7.5B
% of adults who are overweight or obese (2015)	64.5%	62.5%
% of adults who can not always find fruits and vegetables (2014-15)	18.7%	23.4%
% of youth who used alcohol before age 15 (2015, 11th grade)	30.0%	29.0%
% of youth who binge drink (2015, 11th grade)	23.0%	18.0%

For sources, please see website

FACT: CHRONIC DISEASES

Obesity, diabetes, heart disease, cancer and tobacco-related diseases account for more than **80% of all deaths** in California. These deaths could be prevented by eliminating tobacco use, limiting alcohol intake, eating healthy and being physically active.

WHAT WE KNOW ABOUT STORES THAT SELL TOBACCO (2016)

	EL DORADO	CA
Stores that sell tobacco products	161	34,426
% of stores near schools**	6.1%	30.6%
% of stores with unhealthy storefront ads (2016)	70.2%	69.8%
Number of youth for every 1 store	242	267
Number of adult smokers for every 1 store	146	108

SURVEY RESULTS OF STORES THAT SELL TOBACCO (2016)

	EL DORADO	CA
GENERAL		
Number of stores surveyed	121	7,152
% of stores that have unhealthy exterior advertising	70.2%	69.8%
% of stores that have healthy exterior advertising	12.4%	13.6%
TOBACCO		
lowest price of cigarettes	\$4.68	\$4.59
electronic smoking devices	75.2%	62.3%
% of stores with flavored non-cigarette tobacco products	85.1%	81.8%
flavored non-cigarette tobacco products vs. alcopops	85.1%/86.8%	81.8%/69.5%
flavored non-cigarette tobacco products vs. milk	85.1%/31.4	81.8%/32.5%
chewing tobacco	82.6%	57.2%
little cigars and cigarillos	83.5%	78.0%
menthol cigarettes	90.1%	92.2%
the most popular brand of cigarillos for under \$1	70.3%	87.4%
% of stores with tobacco marketing in kid-friendly locations	34.7%	37.4%
retail pharmacies that sell tobacco products	41.9%	32.5%
FOOD		
low- or non-fat milk	31.4%	32.5%
sugary drinks at the check-out	56.2%	41.3%
any fresh fruit or vegetables	49.6%	41.7%
% of stores with sugary drinks storefront ads	37.2%	42.5%
ALCOHOL		
% of stores with alcohol	87.6%	69.6%
that sell alcopops	86.8%	69.5%
with alcohol ads near candy/toys or 3 feet or below	35.8%	34.2%
that sell alcohol in low income areas	75.0%	79.1%
stores that sell alcohol in none low income areas	79.6%	74.8%
that have alcohol ads	51.9%	50.3%
STD		
condoms	83.5%	81.1%
condoms on shelf unlocked	67.8%	37.1%

* = no information available ** = within 1,000 feet Reference the technical report for confidence intervals

What is a “tobacco product” under California law?

California state law expanded the definition of tobacco products. A tobacco product is (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, (2) any electronic vaping device (whether or not it contains nicotine), or (3) any component, part, or accessory of a tobacco product, whether or not sold separately. For example, e-cigarettes, atomizers, vaping tanks or mods, and “e-liquid” or “e-juice” are tobacco products. But products like nicotine patches that the U.S. Food & Drug Administration has approved as cessation products or for other therapeutic purposes are not included. [Business and Professions Code Section 22950.5 (d)]

Tobacco Products Include:



Cigarettes



Cigars



Little Cigars/Cigarillos



Smokeless Tobacco



Electronic Cigarettes



Vape Pens



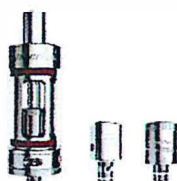
E-liquids



Hookah



Vape Tanks/Mods



Vape Atomizer



Vaporizers



E-hookah

Matrix of Strong Local Tobacco Retailer Licensing Ordinances



JUNE 2017

In order to reduce illegal sales of tobacco products to minors, many cities and counties in California have adopted strong local tobacco retailer licensing ordinances. This document highlights the 133 ordinances that are considered strong, as well as the fee and enforcement provisions. A strong local tobacco licensing law is defined as one that includes the following four components:

- Requirements that all retailers that sell tobacco products must obtain a license and renew it annually.
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated.
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license.
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

Below is a list of the 133 local ordinances in California that have met the requirements for a strong local tobacco retailer licensing ordinance along with basic information about the community population, license fee and designated

enforcement agencies. The jurisdictions are listed in alphabetical order under each county in order to make it easy to compare fee and enforcement details for similar jurisdictions.

For the table below, the agencies that enforce these ordinances have been categorized in the following way:

- Law Enforcement: Includes Police Departments and Sheriff Departments
- Health Department: Includes Environmental Health Services, Departments of Public Health, Health Services Department, and Health and Human Services Divisions.
- City Officials: Includes City Manager, City Attorney, and any authorized city official
- Other: Includes Community Development Services, Department of Finance, code enforcement agencies/ services, Administrative Services, Neighborhood Preservation Division, neighborhood services inspectors, Business License Division, and District Attorneys

Other documents on tobacco retailer licensing, including a fact sheet on the effectiveness of these ordinances, are available at: <http://Center4TobaccoPolicy.org/tobacco-policy/tobacco-retail-environment>

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Alameda County							
Albany	February 2009	18,988	\$250	X			
Berkeley	December 2002	121,238	\$427*	X	X		
Hayward	July 2014	161,040	\$400				X
Oakland	April 2008	426,074	\$50**	X			
Union City	November 2010	73,452	\$665	X			
Butte County							
Oroville	March 2013	18,037	\$30				X
Contra Costa County							
Concord	September 2006	128,370	\$160	X			
Contra Costa County	January 2003	173,454	\$287*		X		
El Cerrito	October 2015	24,600	\$485 (initial) \$439 (renew)	X			X
Richmond	June 2009	111,785	\$1,062**	X			
San Pablo	April 2004	31,053	\$170				X
Fresno County							
Firebaugh	August 2009	8,202	\$190	X			
Parlier	April 2012	15,500	\$200	X			
Imperial County							
Calexico	February 2004	40,921		X		X	
Kern County							
Arvin	September 2016	21,157	\$275-\$655		X		
California City	February 2007	14,248	\$275-\$655		X		
Delano	June 2008	53,152	\$275-\$655	X			
Kern County	November 2006	311,015	\$275-\$655		X		
McFarland	May 2007	14,919	\$275-\$655		X		
Shafter	November 2016	18,868	\$275-\$655		X		
Taft	August 2016	9,492	\$275-\$655		X		
Tehachapi	February 2007	12,280	\$275-\$655		X		
Wasco	March 2007	26,980	\$275-\$655		X		

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Los Angeles County							
Baldwin Park	October 2008	75,537	\$342	X			X
Beverly Hills	August 2010	34,646		X			
Burbank	February 2007	105,033	\$300**	X			
Calabasas	June 2009	24,202	No Fee Planned*				X
Carson	November 2006	93,674	\$500	X			X
Cerritos	January 2008	50,039	\$50*	X			
Compton	July 2007	100,050	\$500	X			X
Culver City	July 2009	40,103	\$235	X			X
Duarte	May 2013	22,033	\$100	X			
El Monte	November 2011	114,268	\$300	X			X
El Segundo	June 2010	16,717	\$250	X			
Gardena	July 2008	60,721	\$120 **	X			X
Glendale	September 2007	201,748	\$255	X			
Hawaiian Gardens	July 2011	14,753	\$246				X
Hawthorne	July 2009	87,662	\$375	X			X
Huntington Park	November 2011	59,383					
Inglewood	October 2007	114,900	\$350	X			X
La Canada Flintridge	June 2009	20,497	\$50*	X		X	
Lancaster	June 2006	157,820	\$261	X			
Lawndale	October 2009	33,365	\$150				X
Lomita	May 2007	20,403	\$150	X			X
Long Beach	February 2008	480,173	\$442	X	X	X	
Los Angeles (City)	September 2005	4,041,707	\$300		X	X	X
Los Angeles County	December 2007	1,053,030	\$235	X	X		
Lynwood	October 2012	71,997	TBD			X	
Malibu	November 2011	12,742	No Fee Planned *				X
Montebello	September 2009	63,917	\$300	X			
Monterey Park	April 2010	61,606	\$40*	X			
Palmdale	January 2010	158,605	\$350			X	
Pasadena	February 2004	143,333	\$225	X	X		
San Fernando	October 2008	24,486	\$250				X
San Gabriel	March 2010	41,020	\$300	X			
Santa Monica	November 2008	93,834	\$135			X	

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Sierra Madre	November 2006	11,010	\$30	X			
South Pasadena	February 2009	25,992	\$150				X
Temple City	December 2012	36,389	\$320 (initial) \$75 (renew)	X			
Marin County							
Marin County	May 2012	69,214	\$25		X		
Mill Valley	September 2012	14,910	\$25	X			
Novato	January 2017	54,522	\$50 or less			X	
San Rafael	August 1991	60,842	\$48 (initial) \$10 (renew)				X
Mendocino County							
Fort Bragg	December 2012	7,772	\$183			X	
Mendocino County	April 2010	59,668	\$290		X		
Ukiah	December 2012	16,314	\$35	X		X	
Willits	October 2003	4,928	\$75		X		
Modoc County							
Aituras	February 2017	2,660	\$100			X	
Monterey County							
Carmel-By-The-Sea	June 2013	3,842	\$286	X	X		
Monterey	November 2014	28,828	\$286	X	X		
Monterey County	May 2012	107,009	\$286	X	X		
Salinas	January 2015	162,470	\$286	X	X		
Nevada County							
Grass Valley	November 2009	12,859	\$100	X			
Nevada City	November 2006	3,208	\$100	X			
Orange County							
Santa Ana	October 2006	341,341	\$635	X	X		
Riverside County							
Banning	August 2006	31,068	\$350		X		
Beaumont	December 2006	46,179	\$350		X		
Calimesa	June 2007	8,637	\$350		X		
Canyon Lake	June 2009	10,891	\$350				X
Coachella	July 2007	45,551	\$350		X		
Corona	October 2005	167,759	\$350		X		
Desert Hot Springs	August 2007	29,111	\$350		X		

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Eastvale	October 2010	64,613	\$350		X		
Hemet	March 2008	81,868	\$350		X		
Jurupa Valley	September 2011	101,315	\$350		X		
Lake Elsinore	August 2007	62,092	\$350		X		
Menifee	December 2009	90,660	\$350		X		
Moreno Valley	September 2007	206,750	\$350		X		
Murrieta	May 2006	114,914	\$350		X		
Norco	March 2006	26,882	\$350		X		
Perris	August 2008	75,739	\$350		X		
Riverside (City)	May 2006	326,792	\$350		X		
Riverside County	January 2010	373,755	\$350		X		
San Jacinto	June 2006	47,925	\$350		X		
Temecula	June 2006	111,024	No Fee Planned*	X			
Wildomar	July 2008	35,782	\$350		X		
Sacramento County							
Elk Grove	September 2004	171,059	\$270	X			
Rancho Cordova	February 2005	73,872	\$287	X			
Sacramento (City)	March 2004	493,025	\$300	X			X
Sacramento County	May 2004	584,729	\$324	X	X		
San Benito County							
Hollister	May 2006	36,677	\$269	X			X
San Diego County							
El Cajon	June 2004	102,803	\$675				X
San Marcos	July 2016	94,042	\$190	X			
Solana Beach	July 2009	13,527	\$110 **				X
Vista	May 2005	101,797	\$250	X			
San Francisco County							
San Francisco	November 2003	874,228	\$175 **	X	X		
San Luis Obispo County							
Arroyo Grande	February 2005	17,736	\$208	X			
Grover Beach	September 2005	13,438	\$224	X			
San Luis Obispo (City)	August 2003	46,724	\$278	X			
San Luis Obispo County	October 2008	120,549	\$342	X			

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
San Mateo County							
Pacifica	February 2008	38,124	\$300	X			X
Santa Barbara County							
Carpinteria	April 2013	13,943	\$379	X	X		
Goleta	May 2014	31,760	\$534	X	X		
Santa Barbara County	November 2010	143,439	\$409*	X	X		
Santa Clara County							
Campbell	December 2012	42,726	\$51	X			
Gilroy	November 2014	55,936	\$100	X			
Los Gatos	May 2017	31,314	TBD			X	
Morgan Hill	April 2014	44,145	\$125				
Santa Clara County	November 2010	87,764	\$425	X	X		
Saratoga	June 2015	30,569	\$50*	X			X
Santa Cruz County							
Santa Cruz (City)	October 2012	65,070	\$425	X			
Santa Cruz County	April 2011	136,193	\$318	X	X		
Scotts Valley	December 2015	12,163	\$150	X			
Watsonville	October 2012	53,015	\$255-\$382				X
Sonoma County							
Healdsburg	November 2014	11,800	\$445	X			
Sonoma	June 2015	10,989	\$246	X			
Sonoma County	April 2016	151,371	\$350		X		
Stanislaus County							
Riverbank	July 2010	24,610	\$25-\$200	X			X
Ventura County							
Oxnard	February 2012	207,772	\$51*				X
Yolo County							
Davis	August 2007	68,740	\$344		X		X
Winters	January 2016	7,255	\$344		X		X
Woodland	June 2015	59,616	\$360				X
Yolo County	May 2006	30,122	\$344		X		X

*City or County fee does not fully cover administration and enforcement of the tobacco retailer license. Rather, the fee is supplemented with another stable source of funds, such as Master Settlement Agreement (MSA) funds or general funds.

** Fees may have additional restrictions, charges or may be combined with another fee.

Sources: Population figures are from California Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — Jan. 1, 2016 and 2017.

COUNTY OF EL DORADO

HEALTH & HUMAN SERVICES

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Director

Public Health Division
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BOARD OF SUPERVISORS

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District V

El Dorado County Ordinance Code **TOBACCO RETAILER LICENSE**

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**Enforcement: Tobacco Retailing Without a Permit;
Tobacco Retailing in Violation of Chapter**

Purpose

The purpose of this Chapter is to discourage violations of tobacco-related laws, particularly those which prohibit or discourage the sale or distribution of tobacco products to minors, by requiring a tobacco retailing permit in the unincorporated areas of the County of El Dorado County as set forth in this Chapter.

Definitions

As used herein:

(a) "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this Chapter, is not an Arm's Length Transaction.

(b) "Cigar" means (1) any roll of tobacco wrapped entirely or in part in tobacco or in any substance containing tobacco; or (2) any paper or wrapper that contains tobacco and is designed for smoking or ingestion of tobacco products. For the purposes of this subsection, "cigar" includes, but is not limited to, tobacco products known or labeled as "cigar," "cigarillo," "tiparillo," or "little cigar."

(c) "Department" means the Department of Health and Human Services.

(d) "Director" shall mean the Director of the Department of Health and Human Services or her/his written designee.

(e) "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

(f) "Flavored Tobacco Product" means any Tobacco Product that contains a constituent that imparts a characterizing flavor to the tobacco product or smoke produced by the tobacco product, either by the addition of artificial or natural flavors or an herb or spice, including menthol, strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee.

(g) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(h) "Proprietor" means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have or share ultimate control over the day-to-day operations of a business.

(i) "Self-Service Display" means the open display of Tobacco Products or Tobacco Paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A Vending Machine is a form of Self-Service Display.

(j) "Significant Tobacco Retailer" means any Tobacco Retailer whose principal or core business is selling Tobacco Products, Tobacco Paraphernalia, or both, as evidenced by any of the following: (i) twenty percent (20%) or more of floor area and display area is devoted to the sale or exchange of Tobacco products, Tobacco Paraphernalia, or both; (ii) fifty percent (50%) or more of completed sales transactions

include a Tobacco Product or Tobacco Paraphernalia; or (iii) sixty- seven percent (67%) or more of gross sales receipts are derived from the sale or exchange of Tobacco Products, Tobacco Paraphernalia, or both.

(k) "Smoking" means possessing a lighted Tobacco Product, lighted Tobacco Paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind), or the lighting of a Tobacco Product, Tobacco Paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind).

(l) "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, preparation, storing, consumption or ingestion of Tobacco Products.

(m) "Tobacco Product" means: (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence; and (3) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, pipe, or hookah;

(n) "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products, or Tobacco Paraphernalia, or who distributes free or low cost samples of Tobacco Products or Tobacco Paraphernalia, without regard to the quantity of tobacco, Tobacco Products, or Tobacco Paraphernalia sold or offered for sale, exchanged or offered for exchange, or distributed or offered for distribution. "Tobacco Retailing" means the doing of any of these things.

(o) "Tobacco Retailing Permit Hearing Authority" or "Hearing Authority" means one or more persons assigned by the County Administrative Officer the responsibility of conducting a hearing pursuant to this Chapter, and may hereafter be referred to as the Hearing Authority. The County Administrative Officer shall assign hearing responsibility to any of the following: (1) County management personnel whom the County Administrative Officer finds to be qualified by training and experience to conduct such hearings; (2) any person(s) qualified by training or experience whom the County Administrative Officer may employ or who are retained by contract to conduct such hearings; or (3) Administrative Law Judges assigned by the State Office of Administrative Hearings. The County Administrative Officer is hereby authorized to contract in the name of the County for the retention of hearing services at rates that do not exceed the financial limitations established by the County's annual budget and contracting rules, regulations and policies.

(p) "Vending Machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

Tobacco Retailer Permit Required

(a) It shall be unlawful for any Person to act as a Tobacco Retailer without first obtaining and maintaining a valid Tobacco Retailer's Permit pursuant to this Chapter for each location at which that activity is to occur. A Tobacco Retailer Permit is invalid unless the appropriate fee has been paid in full and the term of the Permit has not expired.

(b) A Tobacco Retailer or Proprietor without a valid Tobacco Retailer Permit, including but not limited to a person whose Permit has been revoked:

(1) Shall keep all Tobacco Products and Tobacco Paraphernalia out of public view.

(2) Shall not display any advertisement relating to Tobacco Products or Tobacco Paraphernalia that promotes the sale or distribution of such products from the Tobacco Retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

Limits on Tobacco Retailer Permits

In addition, any other retail location that is legally selling tobacco products as of the effective date of this Ordinance may receive or renew a tobacco retailer license. No License may be issued to authorize tobacco retailing except at legally operating locations as of the effective date of this ordinance where tobacco products are sold, offered for sale or exchanged.

(a) A tobacco retailer operating lawfully on the effective date of the ordinance codified in this chapter that would otherwise be eligible for a tobacco retailer license for any of the above locations for which a license is sought may receive or renew a license for that location so long as: (1) the license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension); (2) the tobacco retailer is not closed for business or otherwise suspends tobacco retailing for more than 60 consecutive days; (3) the tobacco retailer does not substantially change the business premises or business operation; and (4) the tobacco retailer retains the right to operate under other applicable laws, including without limitation the zoning ordinance, building codes, or other applicable codes.

Application Procedure

(a) An application for a Tobacco Retailer's Permit shall be submitted in the name of each Proprietor proposing to conduct retail tobacco sales and shall be signed by each Proprietor or an authorized agent thereof. It is the responsibility of each Proprietor to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer's Permit.

(b) All applications shall be submitted on a form supplied by the Department, shall be accompanied by the application and permit fee established pursuant to this Chapter, and shall contain the following information:

(1) The name, address, and telephone number of each Proprietor of the business that is seeking the Permit.

(2) The business name, address, and telephone number of the single fixed location for which the Permit is sought.

(3) The name and mailing address authorized by each Proprietor to receive all permit-related communications and notices (the Authorized Address). If an Authorized Address is not supplied, each Proprietor shall be understood and deemed to consent to the provision of notice at the business address specified in subparagraph (2) above.

(4) Proof that the location for which a Tobacco Retailer's Permit is sought has been issued a valid State tobacco retailer's license by the California Board of Equalization.

(5) Whether or not any Proprietor has admitted violating, or has been found to have violated, this Chapter, or whose proprietorship has admitted violating, or has been found to have violated, this Chapter,

and, if so, the dates and locations of all such violations within the previous six years.

(6) Such other information as the Department deems necessary for the administration or enforcement of this Chapter.

(c) Each Tobacco Retailer who has been issued a Permit shall update with the Department all information required to be submitted in order to apply for the Permit whenever the information changes. A Tobacco Retailer shall provide the Department with all such updates within ten (10) business days of a change.

(d) The information specified in subparagraphs (b), (1), (2) and (3) shall be available to the public.

Fees

The fee to apply for and obtain or renew a Tobacco Retailer's Permit shall be established by resolution of the Board of Supervisors. The fee shall be calculated so as to recover no more than the total cost of permit administration and enforcement, including but not limited to receiving, reviewing and processing the application and the information contained therein, issuing the permit, administering the permit program, retailer education, retailer inspection and compliance checks, documentation of violations, and sanction and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Chapter. All fees shall be used exclusively to fund the regulatory program authorized by this Chapter. Fees are nonrefundable except as may otherwise be required by law.

Issuance; Denial; Effect

(a) Upon the receipt of an application for a Tobacco Retailer's Permit and the application and permit fee, the Department shall issue a permit unless substantial evidence in the record demonstrates one or more of the following bases for denial:

(1) The application is incomplete or inaccurate.

(2) The application seeks authorization for Tobacco Retailing by a Proprietor or other Person to whom this Chapter prohibits a Permit to be issued.

(3) The application seeks authorization for Tobacco Retailing at a location for which this Chapter prohibits a Permit to be issued.

(4) The application seeks authorization for Tobacco Retailing by a Proprietor or other Person for whom, or at a location for which, a Permit revocation is in effect pursuant to this Chapter.

(5) The application seeks authorization for Tobacco Retailing that is prohibited pursuant to this Chapter (e.g., mobile vending), that is unlawful pursuant to this Code (e.g., the zoning code), or that is unlawful pursuant to any other law.

(b) If the Department denies a Permit application, the Department shall notify the applicant in writing of the denial. A notice of denial shall be personally served on, or sent by certified mail to, the Permit holder. The notice shall state the basis of the Department's determination(s) and denial, and shall include an advisement of the right to appeal.

(c) Nothing in this Chapter shall be construed to grant any Person obtaining and maintaining a Tobacco Retailer's Permit any status or right other than the right to act as a Tobacco Retailer at the location in the County identified on the face of the Permit. For example, nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including but not limited to County zoning ordinances, building codes, and business Permit requirements, and any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by

California Labor Code Section 6404.5 or any other law or regulation. Obtaining a Tobacco Retailer Permit also does not make the Retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5.

(d) The issuance of a Permit does not constitute a determination by the County that the Tobacco Retailer or Proprietor has complied with all laws applicable to Tobacco Retailing. Nothing in this Chapter shall be construed to vest in any Person obtaining and maintaining a Permit any status or right to act as a Tobacco Retailer in contravention of any provision of law.

(e) A Permit issued in error, contrary to this Chapter, contrary to any other law, or on the basis of false or misleading information supplied by a Proprietor may be revoked.

Permit Nontransferable

(a) A Tobacco Retailer's Permit may not be transferred from one Person to another or from one location to another. Whenever a Tobacco Retailing location has a change in Proprietors, a new Tobacco Retailer's Permit is required.

(b) Notwithstanding any other provision of this Chapter, prior violations at a location shall continue to be counted against a location and Permit ineligibility periods shall continue to apply to a location unless:

(1) The location has been fully transferred to a new Proprietor or entirely new Proprietors; and,

(2) The new Proprietor(s) provide the Department with clear and convincing evidence that the new Proprietor(s) have acquired or is acquiring the location in an Arm's Length Transaction.

Permit Term, Renewal and Expiration

(a) The term of a Tobacco Retailer Permit is one (1) year.

(b) Each Tobacco Retailer shall apply for the renewal of his or her Tobacco Retailer's Permit and submit the Permit fee no later than thirty (30) days prior to expiration of the term.

(c) A Tobacco Retailer's Permit that is not timely renewed as set forth above shall expire at the end of its term.

(d) To reinstate a Permit that has expired, or to renew a Permit not timely renewed as set forth above, the Proprietor(s) must:

(1) Submit the Permit fee plus a reinstatement fee of ten percent (10%) of the Permit fee.

(2) Submit a signed affidavit affirming that the Proprietor:

(A) Has not sold and will not sell any Tobacco Product or Tobacco Paraphernalia after the Permit expiration date and before the Permit is renewed; or

(B) Has waited the appropriate ineligibility period established for Tobacco Retailing without a Permit, before seeking renewal of the Permit.

Other Tobacco Retailing Requirements and Prohibitions

(a) Each Proprietor shall prominently display each Permit at the location where Tobacco-Retailing is permitted by the Permit.

(b) In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a Permit issued, it shall be a violation of this Chapter for a Proprietor or Tobacco Retailer, or any of the Proprietor's or Tobacco Retailer's agents or employees, to:

(1) Violate any Federal, State or local law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing.

(2) Violate any Federal, State or local law regulating exterior, storefront, window, or door signage.

(c) No Person who is younger than eighteen (18) years of age shall engage in Tobacco Retailing.

(d) No Tobacco Retailer shall display Tobacco Products or Tobacco Paraphernalia by means of a Self-Service Display or engage in Tobacco Retailing by means of a Self-Service Display.

(e) Notwithstanding any other provision of this Chapter, it shall be a violation of this Chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration:

(1) Any Flavored Tobacco Product.

Compliance Monitoring

(a) Compliance with this Chapter shall be monitored by the El Dorado County District Attorney.

(b) The District Attorney shall check the compliance of each Tobacco Retailer an average of at least three (3) times per twelve (12) month period. The District Attorney may check the compliance of Tobacco Retailers previously found to be in compliance with the laws regulating access to Tobacco and Tobacco Paraphernalia of persons under the age of eighteen (18) years of age a fewer number of times, so that they may check the compliance of Tobacco Retailers previously found in violation of this Chapter a greater number of times. Nothing in this subsection shall create a right of action in any Tobacco Retailer, Permittee or other Person against the County or its agents if the number of compliance checks varies from the foregoing.

(c) Compliance checks shall determine, at a minimum, if the Tobacco Retailer is conducting business in a manner that complies with Federal, State and local laws regulating access to Tobacco and Tobacco Paraphernalia of persons under the age of eighteen (18) years of age. When deemed appropriate by the District Attorney, the compliance checks shall determine compliance with other laws applicable to Tobacco Retailing.

(d) The County shall not enforce any law establishing a minimum age for tobacco purchases or possession against a Person who otherwise might be in violation of such law because of the Person's age (hereinafter "Youth Decoy") if the potential violation occurs when either of the following conditions exist:

(1) The Youth Decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the County; or

(2) The Youth Decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the El Dorado County Health Department or the California Department of Health Services.

Revocation of Permit

(a) In addition to any other penalty authorized by law, a Tobacco Retailer's Permit shall be revoked if any court of competent jurisdiction determines, or if the Director finds after the Tobacco Retailer or Permittee is afforded notice and an opportunity to be heard, that the Tobacco Retailer or Permittee, or any of the Tobacco Retailer's or Permittee's officers, agents or employees, has violated any of the requirements, conditions, or prohibitions of this Chapter or, in a different legal proceeding, has pleaded guilty, "no contest" or its equivalent, or admitted to, a violation of any law.

(b) A Tobacco Retailer's Permit shall be revoked if the Department finds, after the Permittee is afforded reasonable notice and an opportunity to be heard, that one or more of the bases for denial of a Permit existed at the time the Permit application was submitted or at any time thereafter and before the Permit issued. The revocation shall be without prejudice to the filing of a new Permit application.

(c) A decision to revoke a Permit is appealable to the Tobacco Retailing Permit Hearing Authority. If such an appeal is made within the time provided in that Section, it shall stay enforcement of the appealed action.

(d) A notice of revocation shall be personally served on, or sent by certified mail to, the Permit holder. The notice shall state the basis of the Department's determination(s) and the revocation, and shall include an advisement of the right to appeal.

(e) During the period that any permit is revoked, the Proprietor shall prominently display a notice advising the public of the revocation, in the form and in the manner designated by the Department.

(f) After revocation pursuant to subsection (a) above, a new permit may be issued only in accordance with the following:

(1) After revocation for a first violation of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than ten (10) days have passed from the date of revocation.

(2) After revocation for a second violation of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than ninety (90) days have passed from the date of revocation.

(3) After revocation for a third violation of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than one (1) year has passed from the date of revocation.

(4) After revocation for four or more violations of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than five (5) years have passed from the date of revocation.

Appeal; Judicial Review

(a) Except as otherwise provided by law, any decision made appealable to the Hearing Authority pursuant to this Chapter shall be subject to the following requirements and procedures.

(b) Any appeal must be in writing, shall state the specific reasons therefore and the grounds asserted for relief and the specific relief requested, and shall be filed with the County Administrative Officer within ten (10) calendar days of personal service of the notice of the action being appealed, or within fifteen (15) calendar days of mailing if the notice is only served by mail. If any Person to whom the notice of violation was given does not file a written appeal within the time and in the manner set forth above, the right to review of the Department's determination shall be deemed to have been waived, and the Department's decision shall be final.

If a written appeal is filed within the time and in the manner set forth above, the matter shall be heard by the Hearing Authority.

(c) Not later than fifteen (15) days after receipt of the appeal, the County Administrative Officer shall provide written notice to the parties of the date, time, and place of the hearing, in the manner specified above for a notice of revocation.

(d) The provisions of the Administration Procedure Act (commencing with Section 11500 of the Government Code of the State) shall not be applicable to such hearing, nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

A decision of the Hearing Authority shall be supported by substantial evidence. The Hearing Authority shall sustain the Department's decision if the Hearing Authority finds that any lawful basis for the Department's action exists.

(e) Following the conclusion of the hearing, the Hearing Authority shall prepare a written decision that grants or denies the appeal, contains findings of facts and conclusions of law, and includes notification that the time limit within which a judicial review shall be sought is governed by Code of Civil Procedure Section 1094.6. Notice of the written decision, including a copy thereof, shall be filed with the County Administrative Officer and served upon all parties not later than seven (7) days following the date on which the hearing is closed.

The Hearing Authority's written decision shall be the final decision of the County, and shall become final upon the date that notice thereof is mailed to the appellant by certified mail.

(f) Any determination of the Hearing Authority shall be subject to judicial review pursuant to Code of Procedure

Enforcement: Tobacco Retailing Without a Permit; Tobacco Retailing in Violation of Chapter.

(a) In addition to any other penalty authorized by law, if the Department finds or any court of competent jurisdiction determines, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer's license, either directly or through the Person's agents or employees, the Person shall be ineligible to apply for or be issued a Tobacco Retailing license for that location as follows:

(1) After a first violation of this Chapter at a location within any sixty- (60) month period, no license may issue for the Person at the location until not less than thirty (30) days have passed from the date of the violation.

(2) After a second violation of this Chapter at a location within any sixty- (60) month period, no license may issue for the Person at the location until not less than ninety (90) days have passed from the date of the violation.

(3) After of a third or subsequent violation of this Chapter at a location within any sixty- (60)

month period, no license may issue for the Person at the location until not less than five (5) years have passed from the date of the violation.

(b) Tobacco Products and Tobacco Paraphernalia offered for sale or exchange in violation of this Chapter are subject to seizure by the Department or any peace officer, and shall be forfeited after the licensee and any other owner of the Tobacco Products and Tobacco Paraphernalia seized is given reasonable notice by the Department and an opportunity to demonstrate that the Tobacco Products and Tobacco Paraphernalia were not offered for sale or exchange in violation of this Chapter. The decision by the Department may be appealed pursuant to the procedures set forth in Section 6-15.13. Forfeited Tobacco Products and Tobacco Paraphernalia shall be destroyed.

(c) Each day after the effective date of this Chapter on which Tobacco Products or Tobacco Paraphernalia are offered for sale in violation of this Chapter shall constitute a violation of this Chapter separate and apart from any other violation of this Chapter.

(d) For a first or second alleged violation of this Chapter within any sixty- (60) month period, the Director may engage in settlement negotiations and, with the El Dorado County Counsel's concurrence, may enter into a settlement agreement with a Tobacco Retailer alleged to have violated this Chapter without approval from the Board of Supervisors. Notice of any settlement shall be provided to the Board, and no hearing shall be held. Settlements shall not be confidential and shall contain the following minimum terms:

(1) After a first alleged violation of this Chapter at a location within any sixty- (60) month period:

(A) An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations;

(B) An agreement to stop acting as a Tobacco Retailer for at least one (1) day; and;

(C) A settlement payment to the County of at least one thousand dollars (\$1,000).

(2) After a second alleged violation of this Chapter at a location within any sixty- (60) month period:

(A) An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations;

(B) An agreement to stop acting as a Tobacco Retailer for at least ten (10) days; and,

(C) A settlement payment to the County of at least five thousand dollars (\$5,000).

Additional Enforcement

(a) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

(b) Violations of this Chapter may, in the discretion of the District Attorney, be prosecuted as criminal infractions or misdemeanors.

(c) Violations of this Chapter are subject to a civil action brought by the District Attorney, punishable as follows:

(1) A fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for a first violation in any sixty- (60) month period;

(2) A fine not less than one thousand dollars (\$1,000) and not exceeding two thousand five hundred dollars (\$2,500) for a second violation in any sixty- (60) month period; or

(3) A fine not less than two thousand five hundred dollars (\$2,500) and not exceeding five thousand dollars (\$5,000) for a third or subsequent violation in any sixty- (60) month period.

(d) Any violation of this Chapter is hereby declared to be a public nuisance as well as a private nuisance that is presumed to at least nominally damage each and every resident of the community in which the business operates.

(e) In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by a civil action brought by the District Attorney, including but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

(f) Any Person, including the County of El Dorado County, acting for the interests of itself, its members, or the general public (hereinafter "the Private Enforcer") may bring a civil action to enforce this Chapter.

(1) Upon proof of a violation, a court shall award to the Private Enforcer the following:

(A) Damages in the amount of either:

(i) Upon proof, actual damages; or,

(ii) With insufficient or no proof of the amount of actual damages, five hundred dollars (\$500) for each violation of this Chapter (hereinafter "Statutory Damages"). Unless otherwise specified in this Chapter, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this Chapter, no Private Enforcer suing on behalf of the general public shall recover Statutory Damages based upon a violation of this Chapter if a previous claim brought on behalf of the general public for Statutory Damages and based upon the same violation has been adjudicated, whether or not the Private Enforcer was a party to that adjudication.

(B) Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for the public health.

(C) Injunctive Relief.

(i) Notwithstanding any legal or equitable bar against a Private Enforcer seeking relief on his/her/its own behalf; a Private Enforcer may bring an action to enforce this Chapter solely on behalf of the general public. When a Private Enforcer brings an action solely on behalf of the general public, nothing about such an action shall act to preclude or bar the Private Enforcer from bringing a subsequent action based upon the same facts but seeking relief on the Private Enforcer's own behalf.

(ii) Nothing in this Chapter shall prohibit the Private Enforcer from bringing an action in Small claims court to enforce this Chapter, so long as the amount in demand and the type of relief sought are within the jurisdictional requirements of small claims court as set forth in California Code of Civil Procedure section 116.220.

(g) Whenever evidence of a violation of this Chapter is obtained in any part through the participation of a Person under the age of eighteen (18) years old, such a Person shall not be required (but shall be permitted) to appear or give testimony in any civil or administrative process brought to enforce this Chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

(h) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

(i) Any peace officer may enforce the penal provisions of this Chapter.

Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The Board of Supervisors of the County of El Dorado hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

COUNTY OF EL DORADO

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Placerville, California City Code

TOBACCO RETAILER LICENSE

Sections:

- Definitions

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "Authorized address" means a single person and mailing address authorized by the proprietors of a tobacco retailer to receive all communications and notices from the city related to the tobacco retailer's license or enforcement of this chapter. If an authorized address is not supplied, it shall be understood that the proprietors of the establishment consent to notices being sent to the tobacco retailer's business location in the city.
- B. "Chief" means the chief of police or his/her designee.
- C. "Code" means Placerville/South Lake Tahoe Municipal Code.
- D. "Department" means Placerville/South Lake Tahoe Police Department.
- E. "Drug paraphernalia" shall have the definition set forth in California Health and Safety Code section 11014.5, as that section may be amended from time to time.
- F. "Licensee" means the proprietor or proprietors of a tobacco retailer that has obtained a permit to operate from the city.
- G. "Identification" means the showing of information that positively shows the age of the person including state-issued identification cards, drivers' license, passport, military-issued identification card or other governmental-issued identification that clearly shows the age of the person.

- H. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, and includes the definition of "person".
- I. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten-percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.
- J. "Self-service display" shall mean: the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.
- K. "Smoking" means possessing a lighted tobacco product, tobacco paraphernalia, or any other weed or plant (including a lighted pipe, lighted cigar, or lighted cigarette of any kind), the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including a pipe, cigar, or cigarette of any kind).
- L. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products. It does not include lighters, matches or other ignition type products.
- M. "Tobacco product" means: (1) any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence.
- N. "Tobacco retailer" means any person or business who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low cost samples of tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

Effective date of this chapter

This chapter shall be effective as of January 1, 2010. As of January 31, 2010, it shall be unlawful for any person to act as a tobacco retailer, or to display or advertise the sale of tobacco products or tobacco paraphernalia, without obtaining and maintaining a valid tobacco retailer's license pursuant to this chapter for each location at which that activity is to occur.

Tobacco retailer license requirements and prohibitions

- A. It shall be unlawful for any person to act as a tobacco retailer, or to display or advertise the sale of tobacco products or tobacco paraphernalia, without obtaining and maintaining a valid tobacco retailer's license pursuant to this chapter for each location at which that activity is to occur.
- B. It shall be unlawful for a licensed tobacco retailer or any of the licensee's agents or employees, to violate any local, state, or federal law including those laws applicable to sale, display or advertising of tobacco products, tobacco paraphernalia, tobacco retailing or any related tobacco law.
- C. It shall be a violation of this chapter for any tobacco retailer or any of the licensee's agents or employees, to violate any local, state, or federal law regulating controlled substances or drug paraphernalia.
- D. Positive identification required. No person engaged in tobacco retailing shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of twenty-one years old without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product or tobacco paraphernalia.
- E. Minimum age for persons selling tobacco. No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing.
- F. Self-service displays prohibited. Tobacco retailing by means of a self-service display is prohibited.
- G. False and misleading advertising prohibited. A tobacco retailer or proprietor without a valid tobacco retailer license:
 - 1. Shall keep all tobacco products and tobacco paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco retailing without a license under Paragraph A;
 - 2. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that

such products can be obtained at that location.

- H. Each tobacco retailer license shall be displayed in a publicly visible location at the licensed location.
- I. The issuance of a tobacco retailer's license does not guarantee a proprietor has complied with all applicable laws relating to the tobacco retailing, and neither the proprietor or members of the public should rely on the issuance of a license by the city as a determination such retailer is in compliance with all applicable city, state, federal or otherwise applicable laws, codes, rules or regulations.

Limits on issuance of a tobacco retailer's license

- A. No license shall be issued to authorize tobacco retailing at other than a fixed place of business. Tobacco retailing by persons on foot or from vehicles is prohibited.
- B. No license shall be issued to authorize tobacco retailing at any location for which a tobacco retailer license suspension is in effect or within one year following revocation of a license at that location.
- C. No license shall be issued to authorize tobacco retailing at a special event other than from a properly licensed fixed place of business.

Duty to continuously update chief

- A. All information required to be submitted to the city pursuant to this chapter, including the information required shall be updated with the chief whenever the information changes.
- B. A tobacco retailer shall provide the chief with any updates within ten business days of a change.

Issuance of tobacco retail license

- A. Upon the receipt of a complete application for a tobacco retailer's license and the license fee required by this chapter, which is in addition to any other fees that may be required by the tobacco retailer, the chief shall issue within thirty days of receipt of a completed application a tobacco retail license unless one or more of the following exists:
 - 1. The information presented in the application or supplementing the application, is inaccurate, false or untrue. Intentionally supplying inaccurate or false information shall be a violation of this chapter; or

2. The application seeks authorization for tobacco retailing at a location for which a suspension is in effect pursuant to this chapter, for which a license has been revoked pursuant to this chapter, or for which this chapter otherwise prohibits issuance of tobacco retailer licenses; or
 3. The application seeks authorization for tobacco retailing for a proprietor to whom a suspension is in effect pursuant to this chapter, whose license has been revoked, or to whom this chapter otherwise prohibits a tobacco retailer license to be issued; or
 4. The city has information that the proprietor or his or her agent or employee has violated any local, state or federal tobacco control law, including this chapter, within the preceding twelve months; or
 5. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter, that is unlawful pursuant to this code, or that is unlawful pursuant to any other local, state, or federal law, rule or regulation; or
 6. The applicant has not complied with city requirements for a business license, zoning or development code, payment of any fees or charges for city services, or other related requirement; or
 7. That, based on specific facts identified by the chief, the chief reasonably concludes that the operation of the proposed tobacco retailer would pose a risk to the public, that the proprietors would not conduct the business in a law-abiding manner, and/or that the operation of the proposed business would subject patrons of the business to a risk of harm or criminal, deceitful or otherwise unethical practices.
- B. Any denial of an application shall be in writing, setting forth the reasons for denial of the permit. Such denial shall be subject to appeal. License renewal and expiration.
- A. The term of a tobacco retailer license is one year beginning each calendar year on January 1 and ending on December 31. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer's license and submit the applicable license fee no later than thirty days prior to the expiration of the term.
- B. The city shall process and issue renewed tobacco retailer's license within fifteen days of receipt of the completed application for renewal.
- C. An application for a renewal of tobacco retailer's license will be deemed late, and subject to a penalty if the complete application, including all fees, is not received by the chief within thirty days of the date of expiration of the immediately preceding license. To reinstate a license that is deemed late, the proprietor must:
1. Submit the tobacco retailer license fee plus a reinstatement fee of fifty percent of the initial licensing fee;
 2. Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco paraphernalia after the license expiration date and before the license is renewed.

License nontransferable

- A. A tobacco retailer's license may not be transferred from one person to another, from one proprietor to another, or from one location to another. Whenever tobacco retailer has a change in proprietors a new tobacco retailer's license is required.
- B. Notwithstanding any other provision of this chapter, prior violations at a tobacco retailer location shall continue to be counted against a location when considering enforcement action unless:
 - 1. The tobacco retailer at that location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors; and
 - 2. The new proprietor(s) provides the city with clear and convincing evidence that the new proprietor(s) has acquired or is acquiring the location in an arm's length transaction. As used in this section, the term "arm's length transaction" shall mean a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.

Fees for license

The fee to issue or to renew a tobacco retailer's license shall be set by resolution of the city council, as amended from time to time. The fee shall be calculated so as not to exceed that amount which would recover the total cost of both license administration and license enforcement, including, for example, issuing the license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators. Fees are nonrefundable except as may be required by law.

Notice of revocation or suspension

- A. Upon determining the existence of any of the grounds for suspension or revocation of a license, the chief may issue to the licensee a written notice of revocation, stating the reasons therefore, and serving the notice, together with a copy of this chapter, upon the licensee at the authorized address.

- B. The revocation or suspension shall become effective ten business days following the date of service upon the licensee, unless the licensee files a written request for an appeal hearing within ten calendar days of the date of service. If the licensee files an appeal within the time and manner prescribed, the license shall remain in effect until the appeal is finally determined.

Grounds for suspension or revocation of license by chief

- A. In addition to any other remedy authorized by law, a tobacco retailer's license may be suspended and eventually revoked if the chief finds pursuant to this chapter that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law related to tobacco retailing or the sale of tobacco products or paraphernalia. During any period of license suspension, the retailer must remove all tobacco products from public view.
- B. Revocation of license issued in error. A tobacco retailer's license shall be revoked if the chief finds that one or more of the bases for denial of a license existed at the time of application was made or at any time before the license was issued. The decision by the chief shall be final.

Request for review by city council

- A. To request city council review of the hearing officer's decision, the applicant for a license, license holder, or chief shall file a written request with the city clerk within ten days following the date of service of the hearing officer's decision. The request for review shall state in detail the reasons for review and the error alleged in the hearing officer's decision, and include a copy of the hearing officer's decision attached to the request for review, and an appeals processing fee as set by city council resolution.
- B. Upon receipt of a request for review by city council, the city clerk shall schedule city council review not later than thirty calendar days following the date of filing of the notice of appeal. The city clerk shall provide notice of the time and date of the hearing to the appellant at least ten days in advance. The city council shall be authorized to deny the introduction of evidence and decide the matter after oral argument presented during the hearing, to admit supplementary evidence with respect to challenges or particular findings, or reject the findings and conclusions and conduct a de novo hearing. The determination by the city council granting or denying the appeal shall be final and shall be accompanied by findings of fact and conclusions of law, which may consist of an adoption by reference of those by the hearing officer.
- C. The city council is authorized to order the issuance or renewal of a license, may order

the revocation of the license, suspend the license or order the license to remain in effect upon such terms and conditions as in the discretion of the city council are necessary and appropriate.

Enforcement

- A. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- B. Violations of this chapter, including violations for tobacco retailing without a license, shall be subject to all available enforcement actions, including administrative, criminal or civil citations as authorized pursuant to this code.
- C. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.
- D. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- E. Violations of this chapter are hereby declared to be public nuisances.
- F. In addition to the provisions of this code any retailer who violates the tobacco retailer license twice in any twenty-four-month period will have their license suspended for not less than fifteen days.
- G. In addition to the provisions of this code any retailer who violates the tobacco retailer license three times in any thirty-six-month period will have their license suspended for not less than thirty days.
- H. In addition to the provisions of this code any retailer who violates the tobacco retailer license four times in any thirty-six-month period will have their license revoked.
- I. Each day on which a prohibited act occurs shall constitute a separate violation.

License compliance monitoring

- A. Compliance with this chapter shall be monitored by the department and/or city employees. Any peace officer may enforce the penal provisions of this chapter.
- B. The department shall check the compliance of each tobacco retailer at least one time per twelve-month period.
- C. Compliance checks shall determine, at a minimum if the tobacco retailer is conducting business in a manner that complies with tobacco laws regulating youth access to tobacco. When appropriate, the compliance checks shall determine compliance with other tobacco-related laws.

- D. The city shall not enforce any tobacco-related minimum-age law against a person who otherwise might be in violation of such law because of the person's age (hereinafter "youth decoy") if the potential violation occurs when:
1. The youth decoy is participating in a compliance check supervised by a peace officer or a code enforcement official; or
 2. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the county department of health and human services or funded in part, either directly or indirectly through subcontracting, by the California Department of Health Services.
- E. No contest plea—Admission. A plea of "no contest" or its equivalent by a tobacco retailer for a violation of any law designated in subsection A of this section shall operate as an admission that this chapter has been violated for the purposes of license enforcement action up to and including revocation.

Conflicts with the code

To the extent that any provision of this chapter conflicts with any other provision of the Placerville Municipal Code, the provisions of this chapter shall apply.

El Dorado County

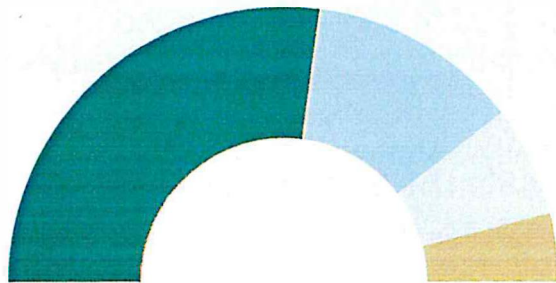
Tobacco Retailers License

El Dorado County Tobacco Use Prevention Program

The El Dorado County Tobacco Use Prevention Program encourages the El Dorado County Board of Supervisors to support our efforts to explore the feasibility of a Tobacco Retailers License (TRL) ordinance in El Dorado County. Many cities and counties in California have adopted a TRL ordinance as a way to stop illegal tobacco sales to underage individuals. A TRL allows counties and other municipalities to keep track of tobacco retailers, conduct activities to ensure compliance with state and local laws and penalize retailers who sell to underage individuals.

In the Fall of 2016, 88 surveys from Placerville residents were collected to assess public perception on a variety of issues related to tobacco products and smoking. Some of the major findings are summarized below.

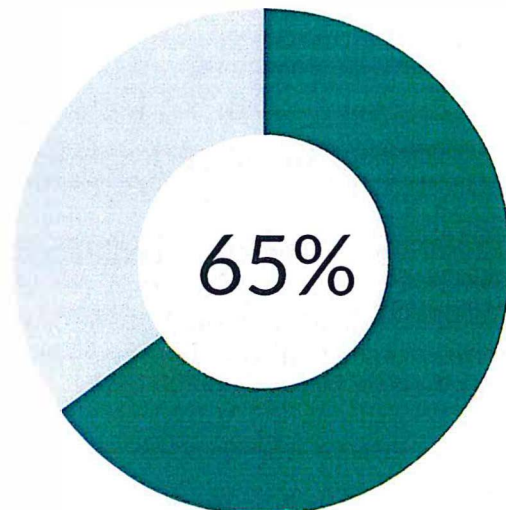
Opinions in El Dorado County



54% of the residents who responded felt that tobacco sales to youth in El Dorado County are a big problem

■ Big problem (54%) ■ Medium problem (25%) ■ Small problem (13%)
■ Not a problem (8%)

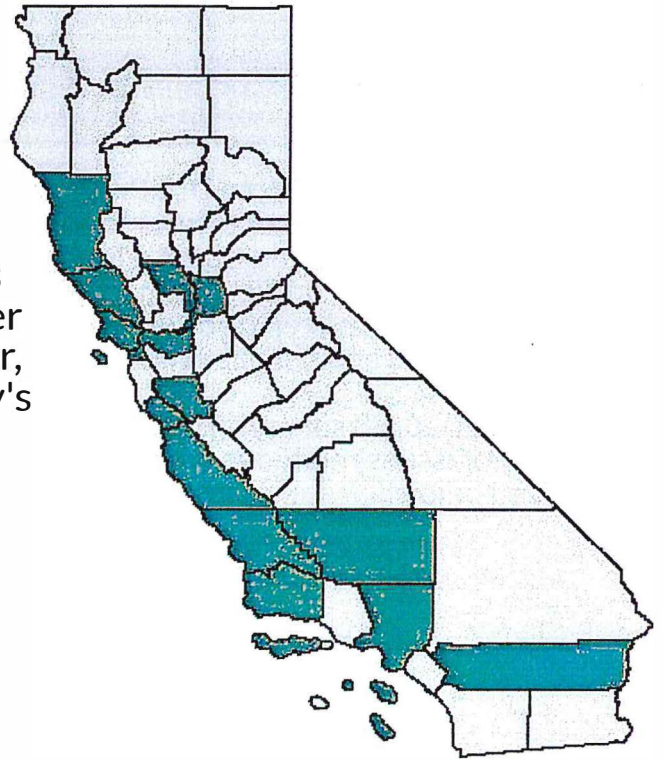
proportion of residents surveyed in 2016 stating they would support a law requiring store owners to buy a local license to sell tobacco



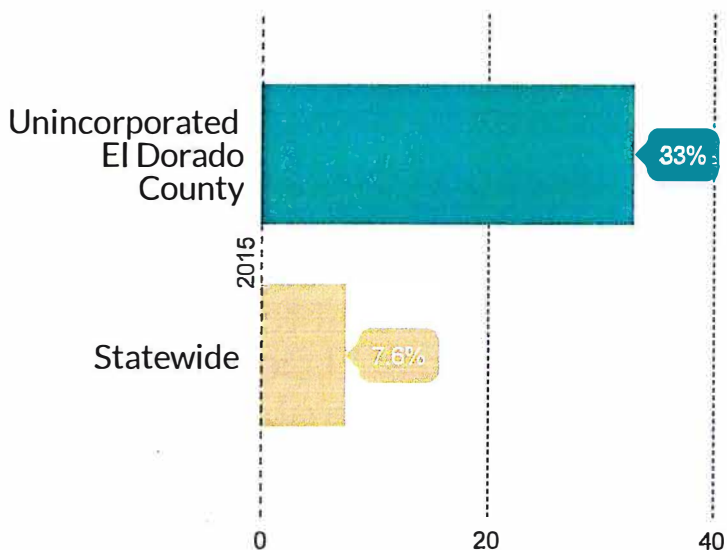
Tobacco Retail Licenses across California

If El Dorado County adopted a Tobacco Retailers License ordinance, we'd be joining **15** other counties and over **60** other municipalities in California.

A Youth Tobacco Purchase Survey was conducted in 2015, prior to the adoption of the Tobacco 21 law, to determine if retailers were selling tobacco products to those under the age of 18 (the law at that time). That year, the sales rate to minors in El Dorado County's unincorporated areas was considerably greater than the overall State's rate.



2015 Sales Rate to Minors



In 2015, **33%** of surveyed retailers in El Dorado County's unincorporated areas sold to individuals under the age of 18 while the State's sales rate to minors was 7.6%.

What could a local, tobacco retailers licensing ordinance look like in El Dorado County?

The most effective local licensing ordinance to reduce illegal sales contain four provisions: (1) tobacco retailers pay annual fee (2) all retailers obtain licenses to sell tobacco and renew annually; (3) any violation of local, state or federal tobacco law is considered violation of license; and (4) financial deterrent through fines and penalties for violations that includes suspension and revocation of the license.

The annual fee would cover administration and enforcement of the license to ensure that these activities occur. The El Dorado County Tobacco Use Prevention Program encourages the El Dorado County Board of Supervisors to support our efforts to explore the feasibility of a Tobacco Retailers License (TRL) ordinance in El Dorado County.

El Dorado County

Food Insecurity in El Dorado County

Survey Results

The El Dorado County Health and Human Services Agency Healthy Eating Team distributed surveys to clients through a select group of Health and Human Services Agency programs. The surveys were designed to assess food insecurity in a sample of our client population and explore whether or not respondents would be interested in and able to pick up additional food.

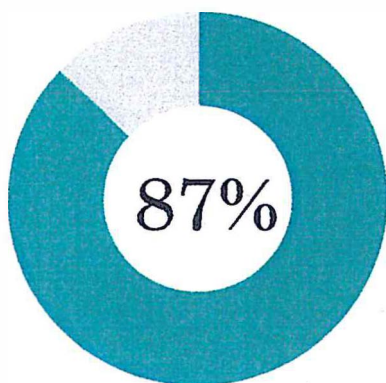
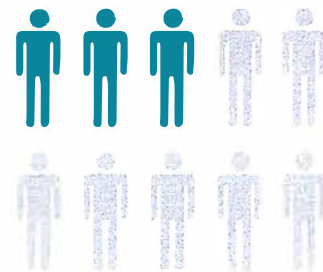
According to data available through Feeding America, recent data suggests that nearly 13% of El Dorado County residents are considered to be food insecure. That's roughly 25,000 El Dorado County residents.

Survey Results

219
clients

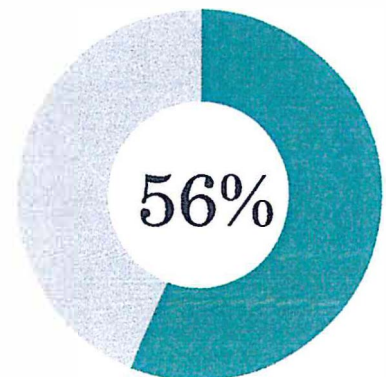
responded to the survey

31% of respondents have
experienced food insecurity
in the past 12 months



of food insecure respondents
stated that they would be
interested and willing to pick
up free additional food

of respondents from WIC
identified as being food
insecure



Additional information

Local data suggests that 45% of El Dorado County's food insecure children are likely **ineligible for assistance**. In other words, these households are likely not income eligible for federal assistance programs, like WIC or the National School Lunch Program.

Visit welldorado.org and search "food insecure children" to learn more.

Areas for further exploration

Only 57% of food insecure respondents stated that they visit the El Dorado County food bank or one of its mobile pantries. This data suggests that there may be a barrier (knowledge, transportation or otherwise) preventing food insecure individuals from getting the extra help they need.

More Information

What is food insecurity?

For this survey, a person was determined to be food insecure if they answered "yes" to either of the following two questions:

- In the last 12 months, did you ever eat less than you felt you should because there wasn't enough money for food?
- In the last 12 months, were you ever worried whether your food would run out before you had the money to buy more?

How are these survey results being used?

Stay tuned for more information about this survey and potential projects!

Contact Ellen Deutsche to learn about the Healthy Eating team!

For more information about the survey or results, please contact Kathryn Jeanfreau at kathryn.jeanfreau@edcgov.us



El Dorado County Health and Human Services Agency
Division of Public Health
Food Insecurity in El Dorado County

Agency: El Dorado County Health and Human Services Agency
Division of Public Health
931 Spring Street
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Report Author: Kathryn Jeanfreau (P) 530-621-6149
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Report Submitted: September 2017

El Dorado County Health and Human Services Agency
Division of Public Health
Title of Topic

Final Evaluation Report

PROJECT DESCRIPTION

Food Insecurity Surveys were distributed in Spring and Summer of 2017 to assess food security in El Dorado County and explore whether or not citizens would be interested in and able to travel to pick up more food.

Background.

[According to data available through Feeding America](#), recent data suggests that nearly 13% of El Dorado County residents are considered to be food insecure. Of those roughly 24,650 people estimated to be food insecure, 55% are estimated to be below 200% poverty and the remaining 46% to be above 20% poverty (feedingamerica.org, Map the Gap). Further, the [child food insecurity rate for the county is about 19%](#) (welldorado.org).

Objective.

To obtain estimates of:

- the percentage of current HHSA clients experiencing food insecurity
- the percentage of current HHSA clients who have visited the Food Bank
- the percentage of current HHSA clients who would be interested and able to pick up extra food, if it were available

EVALUATION METHODS

Evaluation Design.

This evaluation is considered to be a non-experimental design because it has no comparison group and does not use pre-tests and post-tests. It was designed to serve as a simple assessment of a portion of the El Dorado County HHSA clients. Due to the evaluation design, data limitations exist. The surveys were distributed at only a subset of HHSA locations, mostly in public health; for this reason, it was a convenience sample and potentially not representative of the entire population of interest.

Sampling.

Surveys were distributed through HHSA programs that were chosen based on willingness to participate. If follow up surveys are conducted, any additional interested HHSA programs can request to participate. The list of distributing programs can be found below:

- Placerville clinic front desk
- South Lake Tahoe clinic front desk
- Placerville WIC office
- South Lake Tahoe WIC office
- Senior Services front desk
- Senior Services Dining Hall
- Senior Services Meals on Wheels

Data Collection Instruments and Procedures.

Surveys designed to assess food insecurity and interest in additional food were distributed through several HHSA programs, and a copy of the survey can be found in Appendix A.

Analysis.

Data was entered and analyzed using SurveyMonkey.

EVALUATION RESULTS

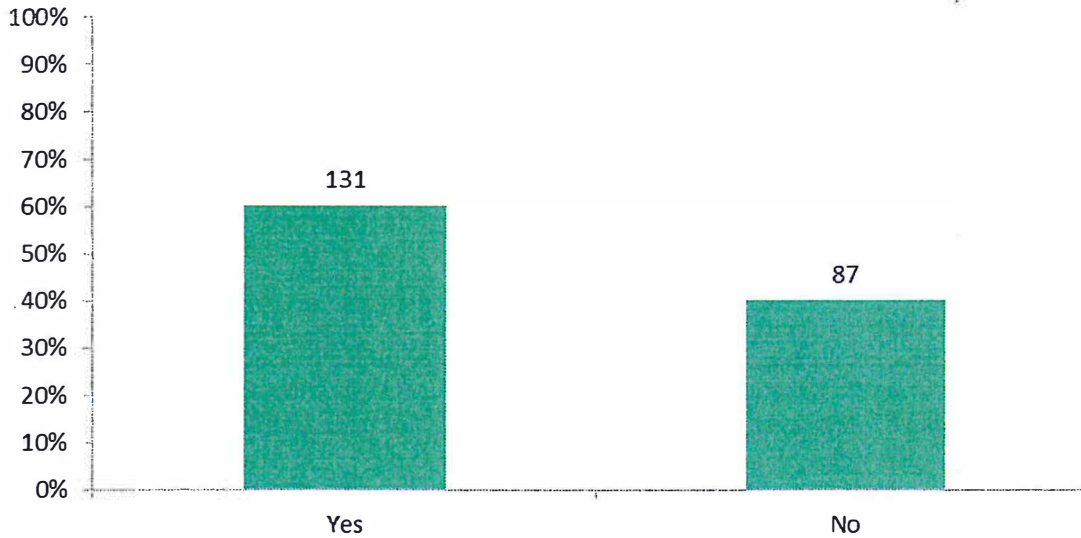
ALL SURVEY RESPONDENTS

A total of 219 surveys were completed. 54 respondents (25%) answered Yes to both of the questions below

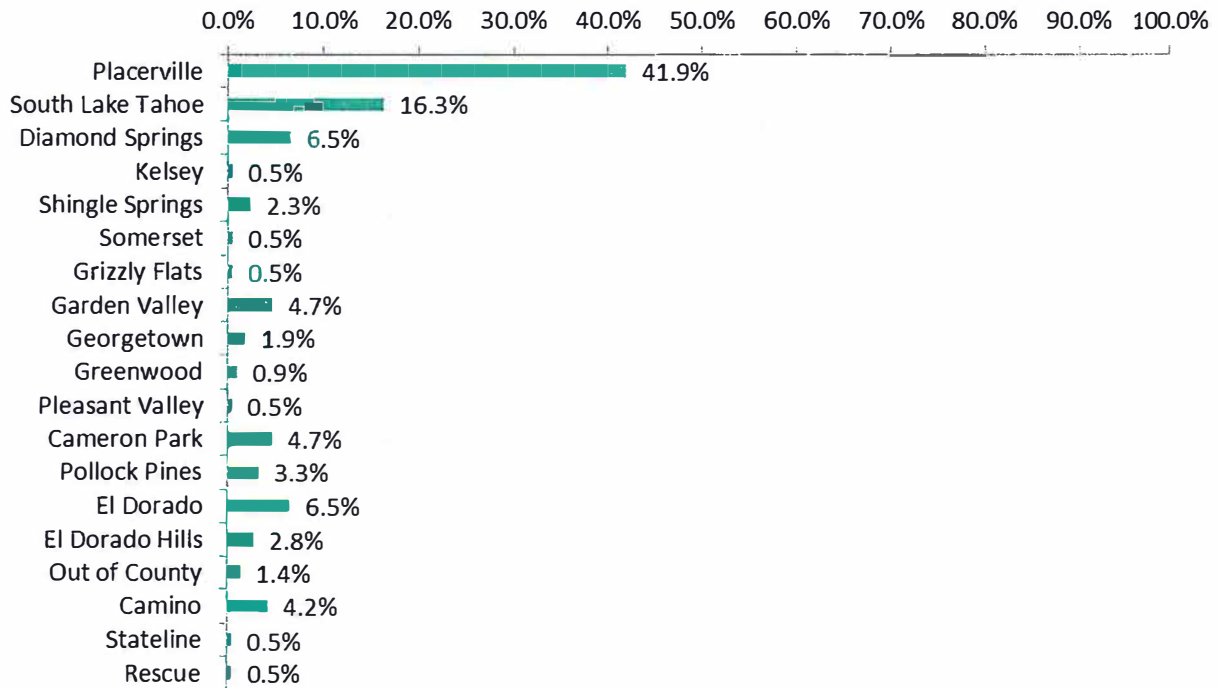
- *In the last 12 months, were you ever worried whether your food would run out before you had the money to buy more?*
- AND
- *In the last 12 months, did you ever eat less than you felt you should because there wasn't enough money for food?*

Nearly 1 in 4 (24%) of respondents stated that they had visited the El Dorado Food Bank or one of its mobile pantries. Almost 54% of respondents (116) stated that if additional free food were available they would want to and be able to pick it up.

Are you or is someone in your household 60 years of age or older? (n=218)

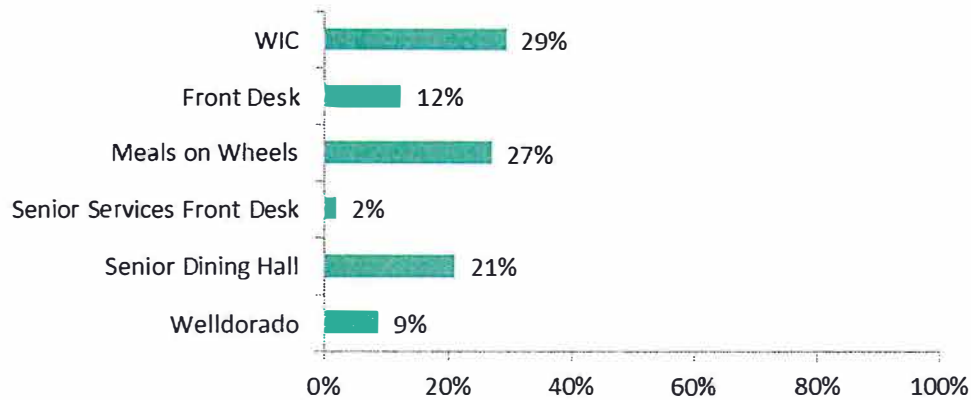


What city or town do you live in? (n=215)



The majority of respondents were from either the Placerville (42%) or South Lake Tahoe (16%) areas. 94% of the surveys were completed in English. 60% of respondents stated that they or someone in their household was 60 years of age or older.

HHSA Program (n=219)



FOOD INSECURE RESPONDENTS

68 out of the 219 (31%) answered Yes to either of the first two questions assessing food insecurity in the past 12 months. Of these 68, 29 (43%) responded that they do not visit the Food Bank or one of its mobile pantries. The majority of these 68 respondents stated that if additional free food were available, they would be interested and willing to pick it up (n=59 or 87%). 88% of these 68 respondents completed the survey in English.

Of those who identified as being food insecure, 40% lived in Placerville, 10% in South Lake Tahoe, 9% in Camino and 6% in Cameron Park. About half of these respondents stated that they or someone in their household was 60 years of age or older.

The majority of surveyed WIC clients (56%) who completed the survey identified as being food insecure. About 34% of surveyed Meals on Wheels clients and about a quarter of individuals who responded through Welldorado identified as being food insecure.

Of the WIC clients who identified as being food insecure (about 36 individuals), 10 (or about 28%) stated that they did not visit the El Dorado County Food Bank or any of its mobile sites.

ADDITIONAL FINDINGS

8 of the 14 respondents (57% of respondents) who completed the survey in Spanish experienced food insecurity in the past 12 months. Comparatively, almost 30% of the surveys completed in English identified as being food insecure in the past 12 months. Of those respondents who stated that they or someone in their household is 60 years of age or older, about 21% stated that they visit the El Dorado County Food Bank or one of its mobile pantries, and almost half stated that they would be interested in and able to pick up extra food if it were available.

CONCLUSIONS AND RECOMMENDATIONS

Major findings:

- Nearly 1 in 4 (24%) of respondents stated that they had visited the El Dorado Food Bank or one of its mobile pantries.
- 31% (68 out of 219) of survey respondents experienced food insecurity in the past 12 months.
 - Of these 68 food insecure individuals, only 39 (57%) of respondents stated that they visit the El Dorado County food bank or one of its mobile pantries.
 - The majority (87%) of food insecure individuals stated that if additional free food were available, they would be interested and able to pick it up.
 - Further, of the survey respondents who did not identify as being food insecure (151 out of 219), 37% stated that they would be interested and able to pick up additional food, if available (n = 56).
- The majority of surveyed WIC clients (56%) identified as being food insecure in the past 12 months.

Recommendations:

- Of these 68 food insecure individuals, only 39 (57%) of respondents stated that they visit the El Dorado County food bank or one of its mobile pantries. This data may suggest that there is a barrier (knowledge, transportation or otherwise) that may exist and be preventing food insecure individuals from getting the extra help they need.

APPENDICES

APPENDIX A

The El Dorado County Health and Human Services Agency Healthy Eating Team would appreciate your input! We hope to use the results of this survey to develop and establish programs that help address hunger in our community, if we find a need. Please mark whether you agree (Yes) or disagree (No) with the statements below. *Thank you for your assistance and input!*

- | | Yes | No |
|---|-----------------------|-----------------------|
| 1. In the last 12 months, were you ever worried whether your food would run out before you had the money to buy more? | <input type="radio"/> | <input type="radio"/> |
| 2. In the last 12 months, did you ever eat less than you felt you should because there wasn't enough money for food? | <input type="radio"/> | <input type="radio"/> |
| 3. Do you visit the El Dorado County Food Bank or one of its mobile pantries? | <input type="radio"/> | <input type="radio"/> |
| 4. If additional free food were available would you want to and be able to pick it up? | <input type="radio"/> | <input type="radio"/> |
| 5. Are you or is someone in your household 60 years of age or older? | <input type="radio"/> | <input type="radio"/> |
| 6. What city or town do you live in? | | |

¡El Equipo de Comiendo Saludable de la Agencia de Salud y Servicios Humanos del Condado El Dorado quiere su opinión! Esperamos usar los resultados de esta encuesta para desarrollar y establecer programas para combatir el hambre en nuestras comunidades. Favor de marcar si está de acuerdo (Si) o si no está de acuerdo (No) a las siguientes preguntas. ¡Gracias por su participación y asistencia!

- | | Sí | No |
|--|-----------------------|-----------------------|
| 1. ¿En los últimos 12 meses, se ha preocupado Ud. de no tener suficiente comida disponible antes de tener el dinero suficiente para comprar más? | <input type="radio"/> | <input type="radio"/> |
| 2. ¿En los últimos 12 meses, limitó Ud. la cantidad de comida que come o comía menos debido a no tener suficiente dinero para comprar más? | <input type="radio"/> | <input type="radio"/> |
| 3. ¿Utiliza Ud. al Banco de Comida del Condado El Dorado o a unos de sus sitios móviles (camión de comida)? | <input type="radio"/> | <input type="radio"/> |
| 4. ¿Si hubiera comida gratis adicional disponible, estaría dispuesto a usarlo y recogerlo? | <input type="radio"/> | <input type="radio"/> |
| 5. ¿Es usted o alguien en su hogar 60 años o mayor de edad? | <input type="radio"/> | <input type="radio"/> |
| 6. ¿En que ciudad vive usted? | | |



El Dorado County Health and Human Services Agency
Division of Public Health
Food Insecurity in El Dorado County, Maps

Agency: El Dorado County Health and Human Services Agency
Division of Public Health
931 Spring Street
Placerville, CA 95667

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Report Submitted: February 2018

El Dorado County Health and Human Services Agency
Division of Public Health
Food Insecurity in El Dorado County, Maps

Overview

DESCRIPTION

Different groups across the United States, including the USDA, have used census data to try and locate potential food deserts. This report provides a review of available data sources and a summary of food deserts in El Dorado County.

Background.

This review will focus on data provided through the [United States Department of Agriculture Economic Research Service](#). While the California Department of Public Health Nutrition Education and Obesity Prevention Branch also provides information through its online GIS viewer, this viewer does not have the most update-to-date food desert estimates.

A REVIEW OF FOOD DESERTS IN EL DORADO COUNTY

Data Limitations.

This data has a few key limitations to keep in mind:

- These classifications are based on census data. The Census is not designed to assess and evaluate food deserts; census data has been repurposed to help evaluate this issue.
- Classifications are based on estimates, not a set of comprehensive, door-to-door surveys.
- Some census tracts in El Dorado County are geographically large.

Data Definitions.

A more comprehensive definition of “low-income” and “low-access” of measures can be found on the [USDA website](#).

Low-Income

The criteria for identifying a census tract as low income are from the Department of Treasury’s New Markets Tax Credit (NMTTC) program. This program defines a low-income census tract as any tract where:

- *The tract’s poverty rate is 20 percent or greater; or*

- *The tract's median family income is less than or equal to 80 percent of the State-wide median family income; or*
- *The tract is in a metropolitan area and has a median family income less than or equal to 80 percent of the metropolitan area's median family income.*

Low-access census tracts

In the Food Access Research Atlas, low access to healthy food is defined as being far from a supermarket, supercenter, or large grocery store ("supermarket" for short). A census tract is considered to have low access if a significant number or share of individuals in the tract is far from a supermarket.

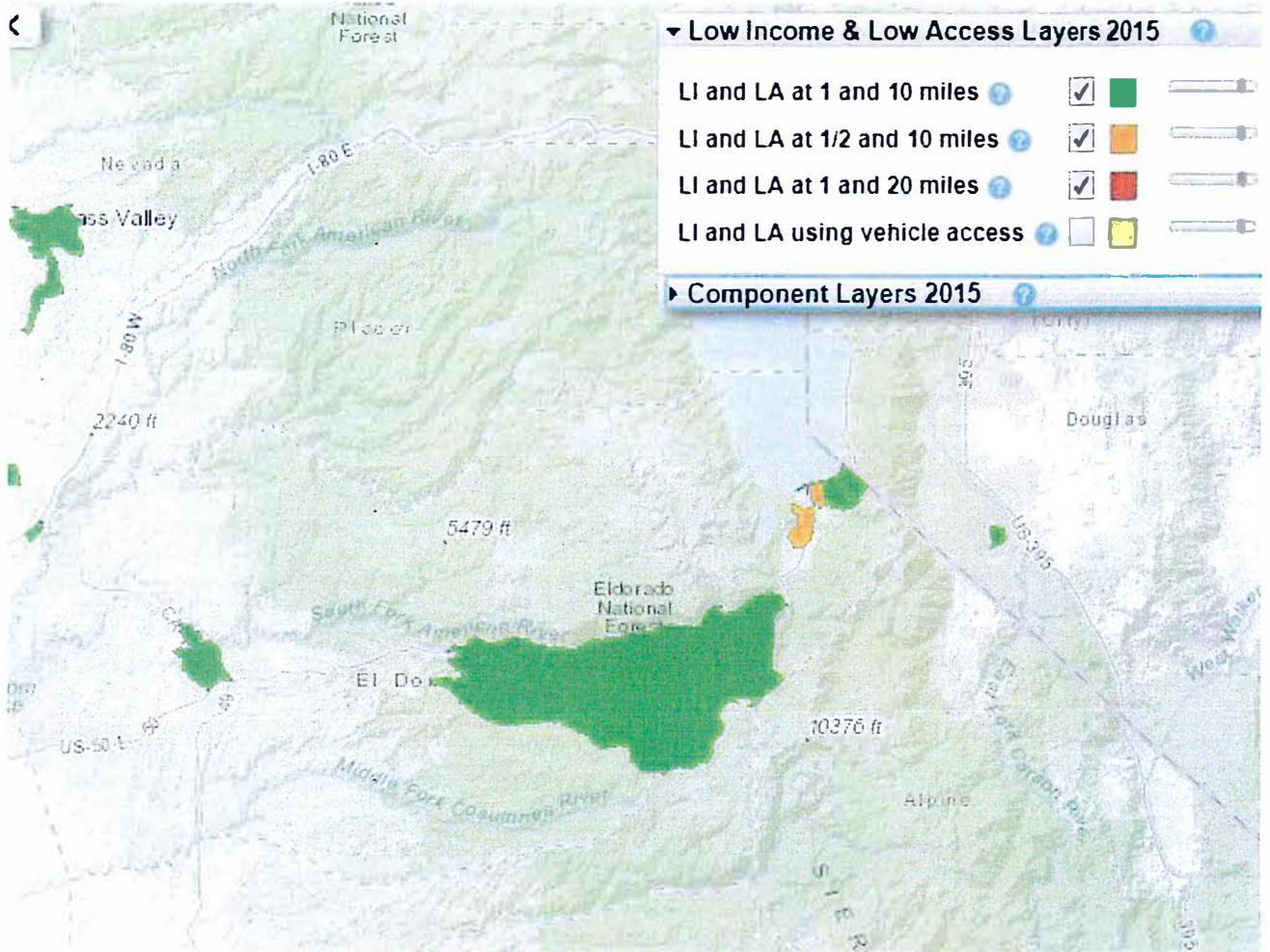
Three measures of food access based on distance to a supermarket are provided in the Atlas:

- *Low-income census tracts where a significant number (at least 500 people) or share (at least 33 percent) of the population is greater than ½ mile from the nearest supermarket, supercenter, or large grocery store for an urban area or greater than 10 miles for a rural area. Using this measure, an estimated 54.4 million people, or 17.7 percent of the U.S. population, live in tracts that are low-income and low access and are more than ½ mile or 10 miles from the nearest supermarket.*
- *Low-income census tracts where a significant number (at least 500 people) or share (at least 33 percent) of the population is greater than 1.0 mile from the nearest supermarket, supercenter, or large grocery store for an urban area or greater than 10 miles for a rural area. This measure shows that an estimated 19 million people, or 6.2 percent of the U.S. population, live in low-income and low access tracts and are more than 1 mile or 10 miles from a supermarket.*
- *Low-income census tracts where a significant number (at least 500 people) or share (at least 33 percent) of the population is greater than 1.0 mile from the nearest supermarket, supercenter, or large grocery store for an urban area or greater than 20 miles for a rural area. Under this measure, an estimated 17.3 million people, or 5.6 percent of the U.S. population, live in low-income and low access tracts and are more than 1 mile or 20 miles from a supermarket.*

Food deserts

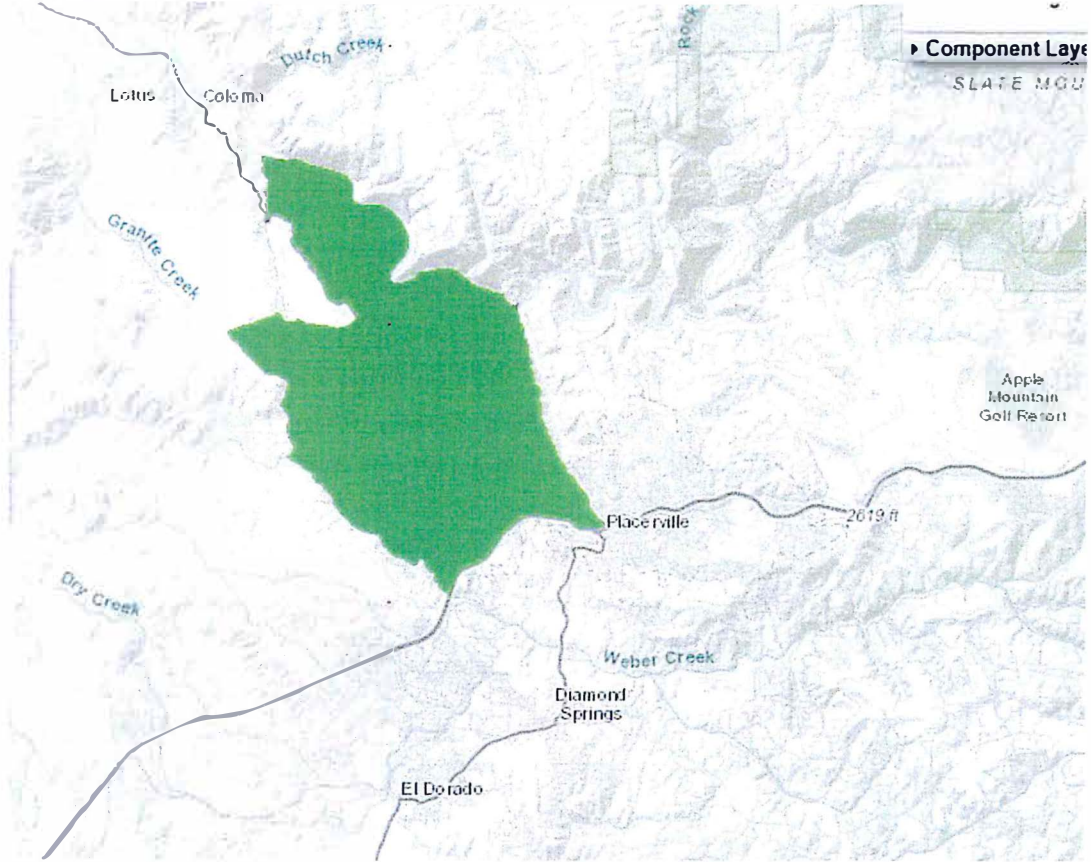
The Food Access Research Atlas maps census tracts that are both low income (li) and low access (la), as measured by the different distance demarcations. This tool provides researchers and other users multiple ways to understand the characteristics that can contribute to food deserts, including income level, distance to supermarkets, and vehicle access.

Findings.



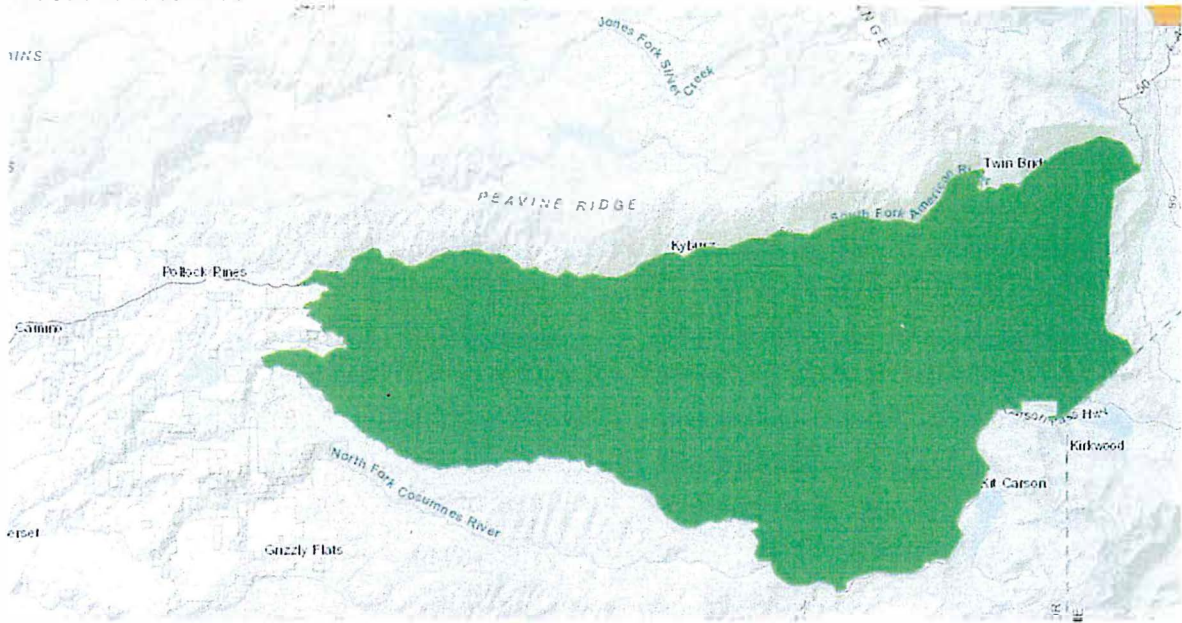
- The census tracts in green are considered to be the most severe food deserts.
- While looking through the following pages, **please read and keep in mind the population sizes of these census tracts and the previously mentioned data limitations.**

Tract 06017031000



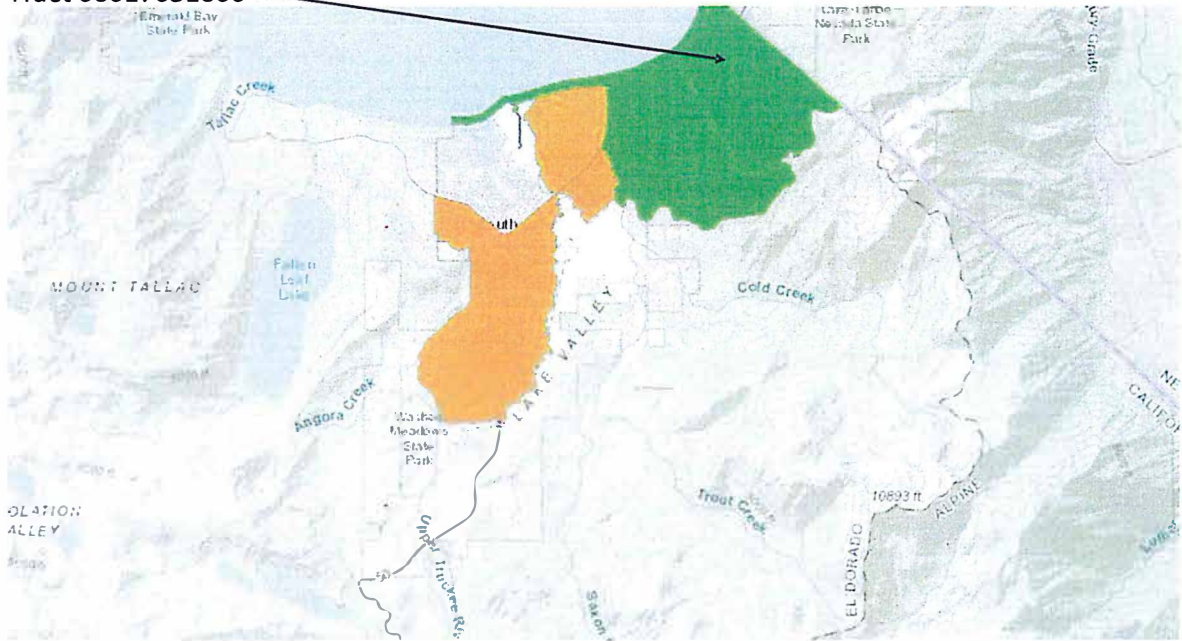
- Population: 6,061 residents in this census tract

Tract 06017031900



- Population: 133 residents in this census tract

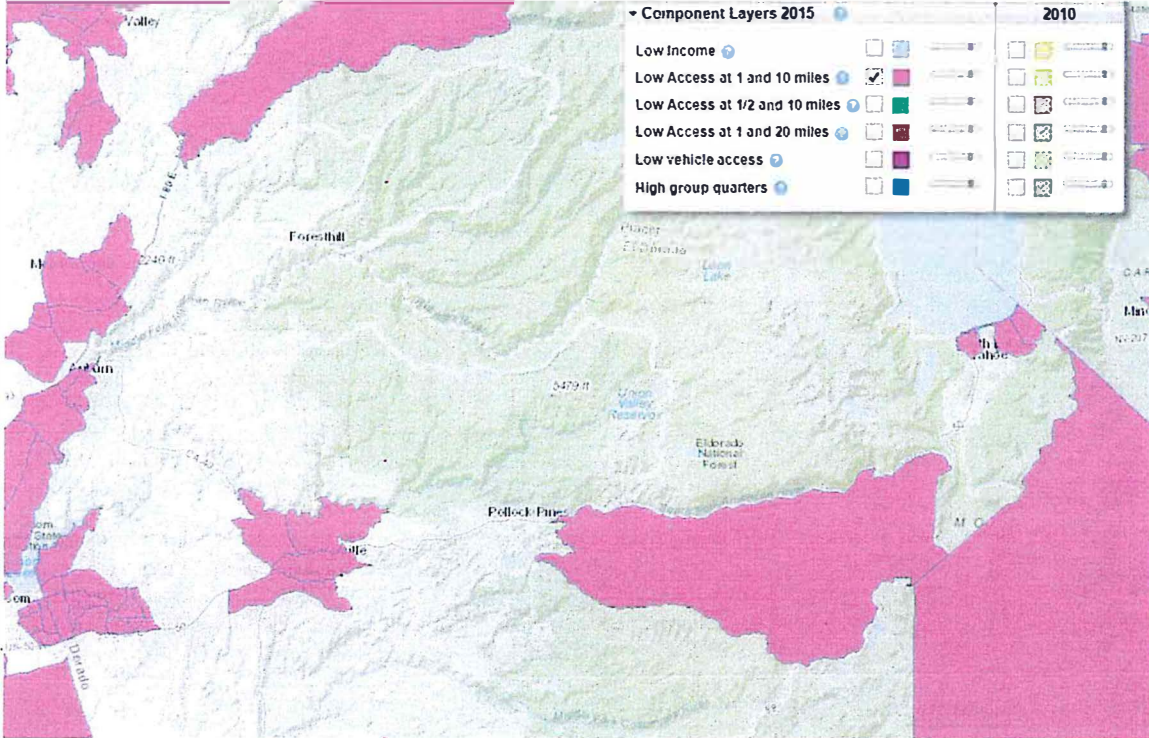
Tract 06017031600



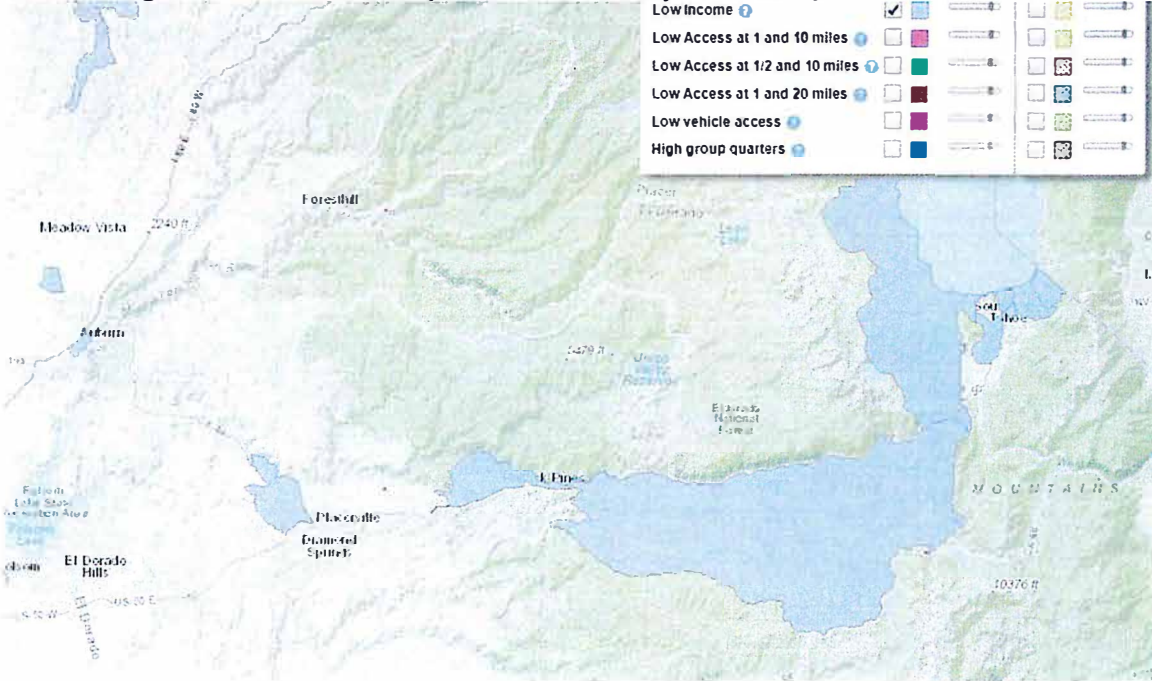
- Population: 4,126 residents in this census tract

Other places to consider:

Tracts designated as low access (but not necessarily low income)

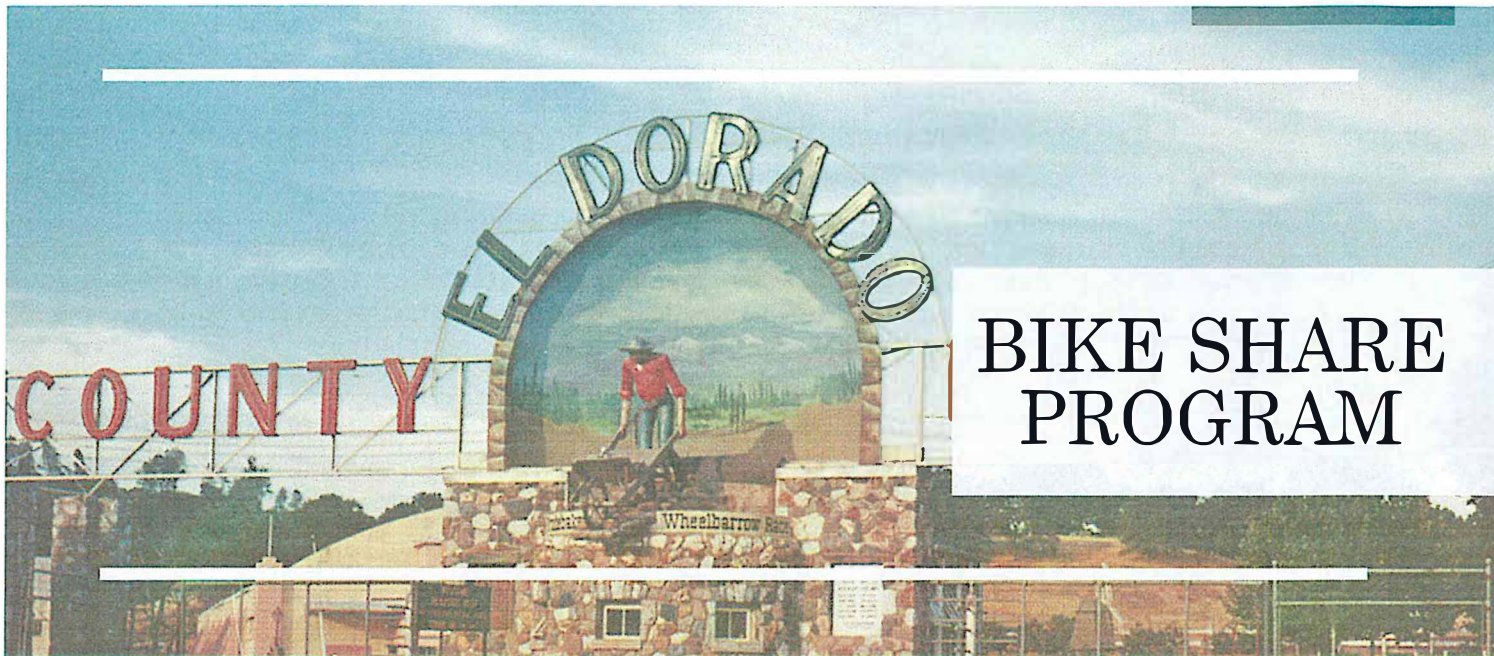


Tracts designated as low income (but not necessarily low access)



WORKS CITED

Economic Research Service (ERS), U.S. Department of Agriculture (USDA). [Food Access Research Atlas](https://www.ers.usda.gov/data-products/food-access-research-atlas/), <https://www.ers.usda.gov/data-products/food-access-research-atlas/>



BIKE SHARE PROGRAM

A Bike-Share program is a service in which bicycles are made available for shared use to individuals on a short term basis.

Why El Dorado County?

Currently, coworkers are faced with a quandary: too far to walk, too near to drive. Having no other options, EDC employees use department vehicles or their own cars to go short distances to work meetings.

Approximately 1,000 County employees work in Placerville within 2.5 miles of each other. Daily, employees reserve County vehicles to attend meetings at various site locations. A number of these single occupancy car rides can be replaced with bike rides through a voluntary County Bike-Share program. Electric and non-electric bicycles at County offices would be offered for employees to use as active transportation to other County facilities in the Placerville area. Through a Bike-Share program, County employees would have an additional transportation option that reduces emissions and is healthier, for both body and mind, fun and free!

Let's Suppose

Three El Dorado County employees use County cars to drive 5 miles a day, 5 days a week for regular meetings....

In one year, this equates to

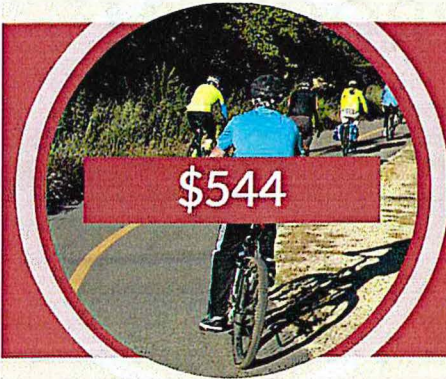


In other words,



The Research

There are numerous benefits to active transportation. By changing the environment to encourage active transportation and active lifestyles, we enable healthier behaviors and choices. In addition, planning strategies designed to increase active transportation are being used as a climate change mitigation strategy to reduce greenhouse gas production from private vehicle use by substituting active transportation for short trips.



Adding 30 minutes of daily cycling saves each of us \$544 in medical costs annually.

Parts of El Dorado County are considered to be a Severe 15 level nonattainment area, meaning that the national primary or secondary ambient air quality standard for 8-hour Ozone are not met.



In Good Company

The California Department of Public Health/Department of Health Care Services has an employer-sponsored Bike-Share program that provides bicycles and helmets for employees to use. The innovative program has shown to increase access to physical activity, reduce the carbon footprint and improve productivity.

State agencies that have BikeShare Programs include: Caltrans, CDE, CDPH, DDS, DGS, DOF, DSH, DWR and Parks.

May 2014 - March 2017 Program Stats:
- 700% Increase in number of registered users (from 50 to 430)
- 2,700 Total number of bike trips by users
- 10,000 car miles avoided

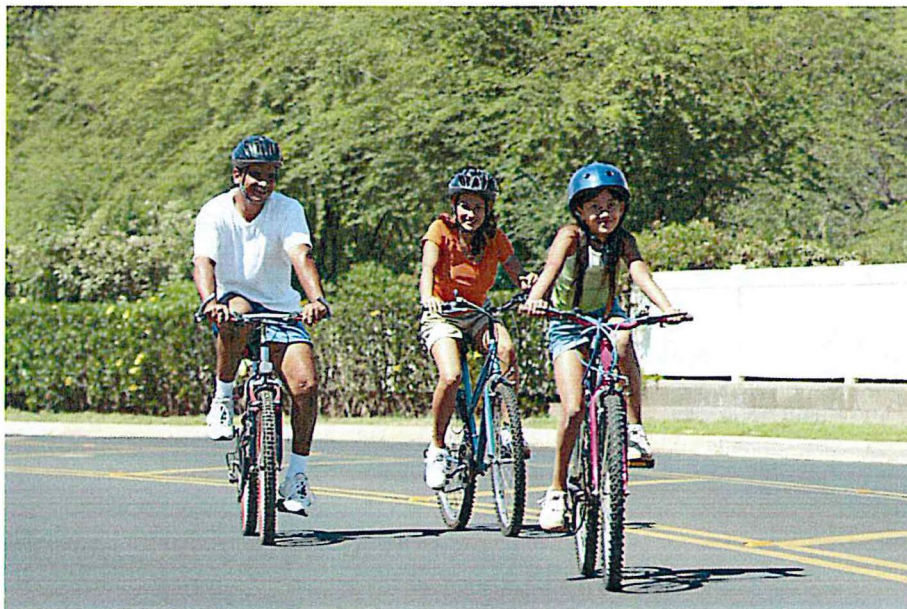


Bike Share Program Offers California State Employees Another Way to Be Active

by: Jeffery Rosenhall

SUMMARY

An estimated 300 state employees in Sacramento, California, now have increased access to active transportation options at work sites. Regular physical activity can help improve emotional health; lower risks for heart disease, stroke, and some cancers; and reduce obesity. The California Department of Public Health (CDPH) collaborated across five state agencies to set up bike share programs and promote better health for all employees. Presently, employees have the option to travel to meetings via bike—instead of car—during the work day.



CHALLENGE

Obesity increases the risk of many health conditions including coronary heart disease, stroke, high blood pressure, and type 2 diabetes. In 2014, 24% of adults had obesity according to data from the Behavioral Risk Factor Surveillance System. The California Health Interview Survey 2001-2011 notes that in Sacramento County, an estimated 295,000 (28.0%) adults aged 18 years or older were obese and 360,000 (34.2%) adults were considered overweight in

2011. From 2001 to 2011, the obesity rate for Sacramento County adults increased by 28.4%.

YOUR INVOLVEMENT IS KEY

Learn more information about the employee bike share programs in Sacramento. This project is supported by the State Public Health Actions to Prevent and Control Diabetes, Heart Disease, Obesity, and Associated Risk Factors and Promote School Health cooperative agreement (DP13-1305).

"I've been using the bikes for exercise most mornings and I love it. I've had difficulty getting exercise in because walking, at times, can be painful. But, riding a bike is not. Thank You!"

- Bike Share Participant

Contact

Jeffery Rosenhall

California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95889
<http://www.cdph.ca.gov>

SOLUTION

With support from the Centers for Disease Control and Prevention (CDC), CDPH is piloting a bike share program in Sacramento, California, that allows employees to use free bicycles for business and personal trips during work hours. The aim is to increase physical activity and decrease car usage and costs for cabs or gas. To do this, CDPH worked across state agencies to gain buy-in from senior level executives to secure public and private funding. The funding allowed CDPH to purchase helmets, bike pumps, and tools to maintain the bikes. Since 2014, CDPH has provided participants trainings on bike use, safety, maintenance, and a bike share reservation system.

RESULTS

Hundreds of employees are using the bike share to be more active and improve their health. From May 2015-May 2016, employees took an estimated 993 trips traveling nearly 3,000 miles using bikes offered through the bike share program. In 2015, CDPH secured additional private funding that helped to expand the bike share to five state agencies—the Department of Transportation, Department of Finance, State Department of Education, State Department of General Services, and the Department of Water Resources. Now, more than 30 new bikes are available for employees to ride and be active in and around Sacramento.

U.S. Department of Health and Human
Services
Centers for Disease Control and
Prevention
NCCDPHP

Contact CDC
<http://www.cdc.gov/cdc-info/requestform.html>

Web site
<http://nccd.cdc.gov/nccdsuccessstories/>

The findings and conclusions in this success story are those of the author(s) and do not necessarily represent the official position of the funding agencies or the Centers for Disease Control and Prevention (CDC).

SUSTAINING SUCCESS

The demand for more bike shares continues to rise. Already, CDPH is making plans to expand to additional state agencies and citywide. In 2017, Sacramento, the state capitol, will launch a citywide bike share program. CDPH anticipates that employees already using the health department's bicycles will be inspired to use the city's bikes on weekends and during off-duty hours throughout the work week. CDPH will also continue to work across state agencies to increase awareness and educate employees about the benefits of active transportation and wellness programs.

National Center for Chronic Disease Prevention and Health Promotion
NCCDPHP



El Dorado County

Employee Bike-Share Program

Survey Results

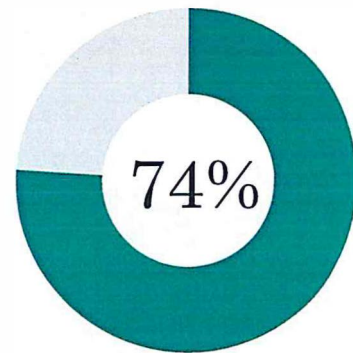
As a multi-agency effort, El Dorado County is looking into the feasibility of a Bike-Share program for County employees in the Placerville area to use. In July 2017, El Dorado County employees were surveyed about their work and transportation habits. The major findings are highlighted here.

Survey Results

387
employees

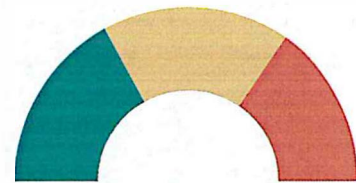
responded to the Employee Bike-Share Program survey

would be willing to try bicycling for transportation



5% of respondents indicated that they have used a Bike-Share program in another community

34% of respondents stated that they would use a County Bike-Share program



Yes (34%) Not Sure (35%) No (31%)

7,000 car trips

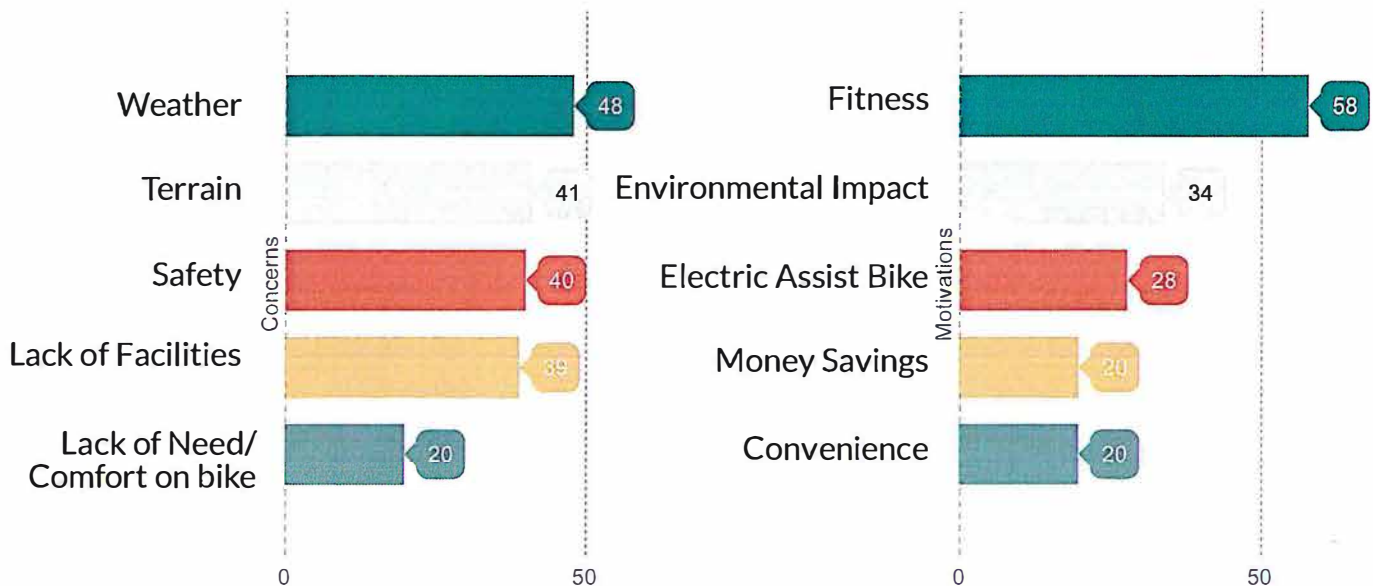
fewer than 3 miles are made every month



Concerns and Motivations

85% of respondents voiced at least one concern with a Bike-Share Program. Weather, terrain, safety, lack of facilities, lack of need and comfort level on bike were the major concerns of those who responded.

When asked about what would motivate them to use a Bike-Share Program, the majority of respondents (58%) indicated a fitness or health opportunity. The graph below highlights the other major motivating factors.



Next Steps

Currently, the project team is looking into the feasibility of a pilot program in Placerville. Through the survey, a lot of great questions came up regarding travel time, safety, bike routes, bike usage, facilities, security, liability, funding, long-term sustainability and alternative methods to improving air quality. In addition, other locations including South Lake Tahoe have shown interest in an Employee Bike-Share program. All of these questions and comments will be reviewed and addressed.

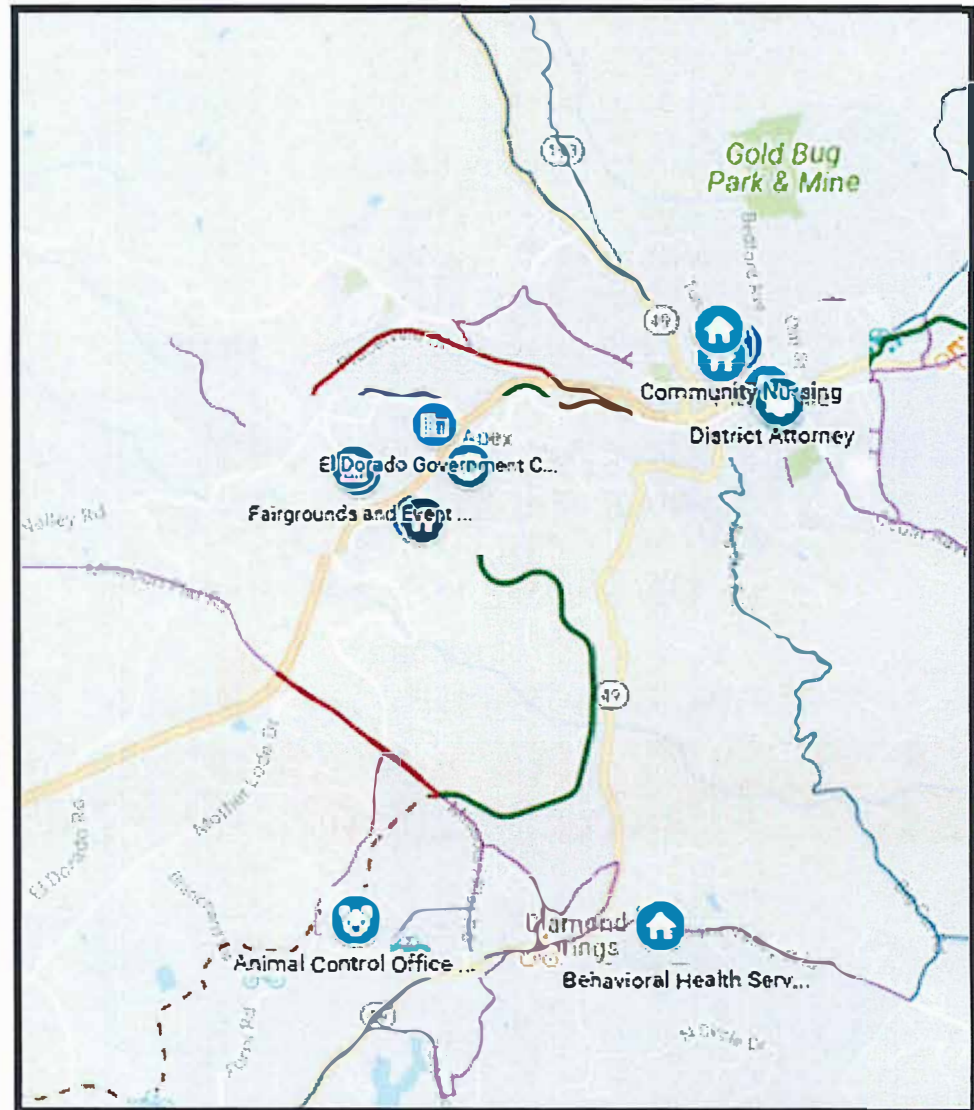
One of the first steps the project team is taking is to identify and map potential routes in Placerville.

Once all the required information is gathered, the Bike-Share proposal will be taken back to the Board of Supervisors for further direction.

EDC EMPLOYEE BIKE-SHARE PILOT PROGRAM FEASIBLE BIKE ROUTES - PLACERVILLE

- The majority of county offices in Placerville are within five miles of each other.

Map courtesy of EDCTC.
To access the Western El Dorado County interactive online bicycle map, please visit the map at www.eldoradobikemap.com.

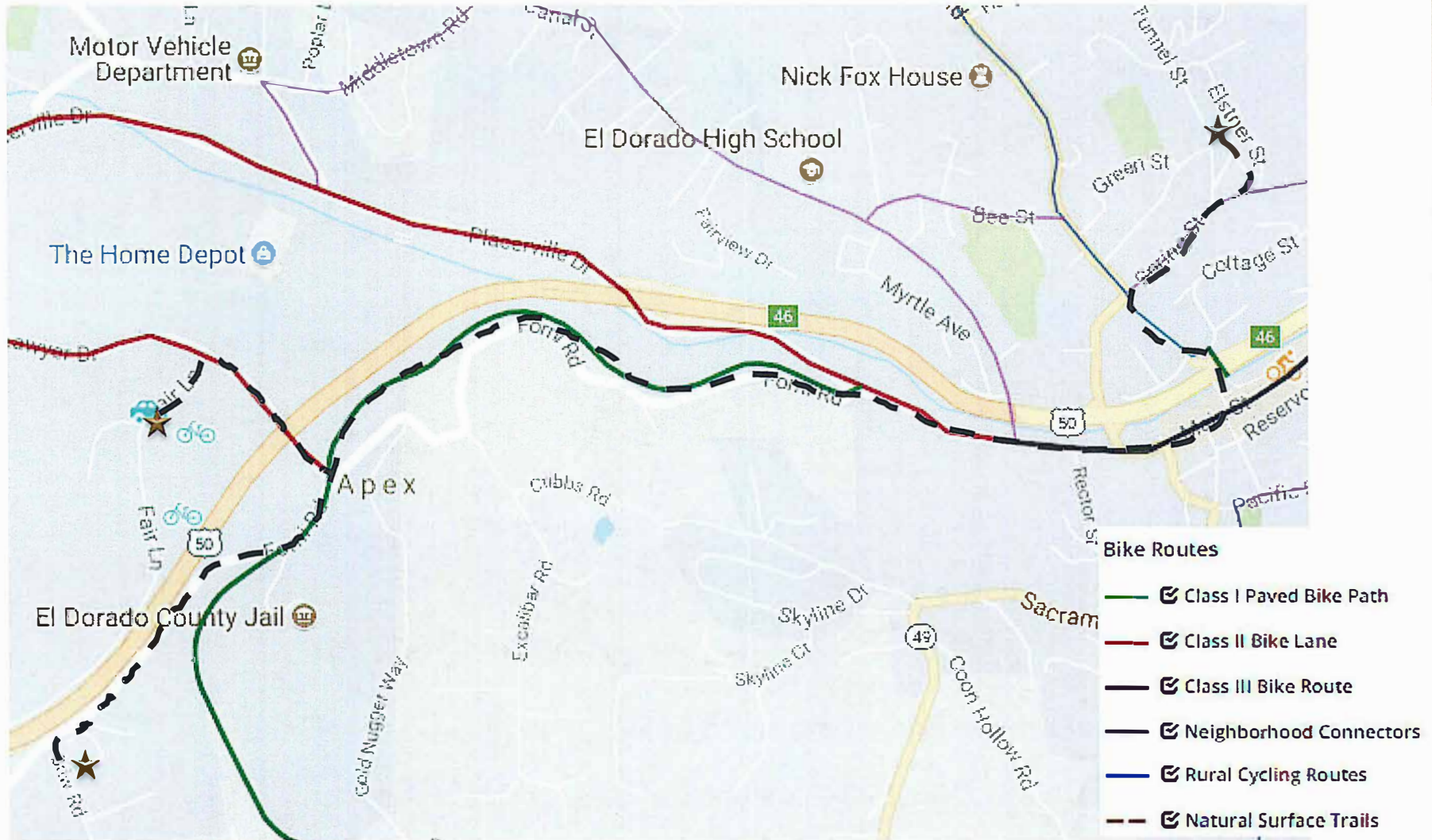


EDC EMPLOYEE BIKE-SHARE PILOT PROGRAM

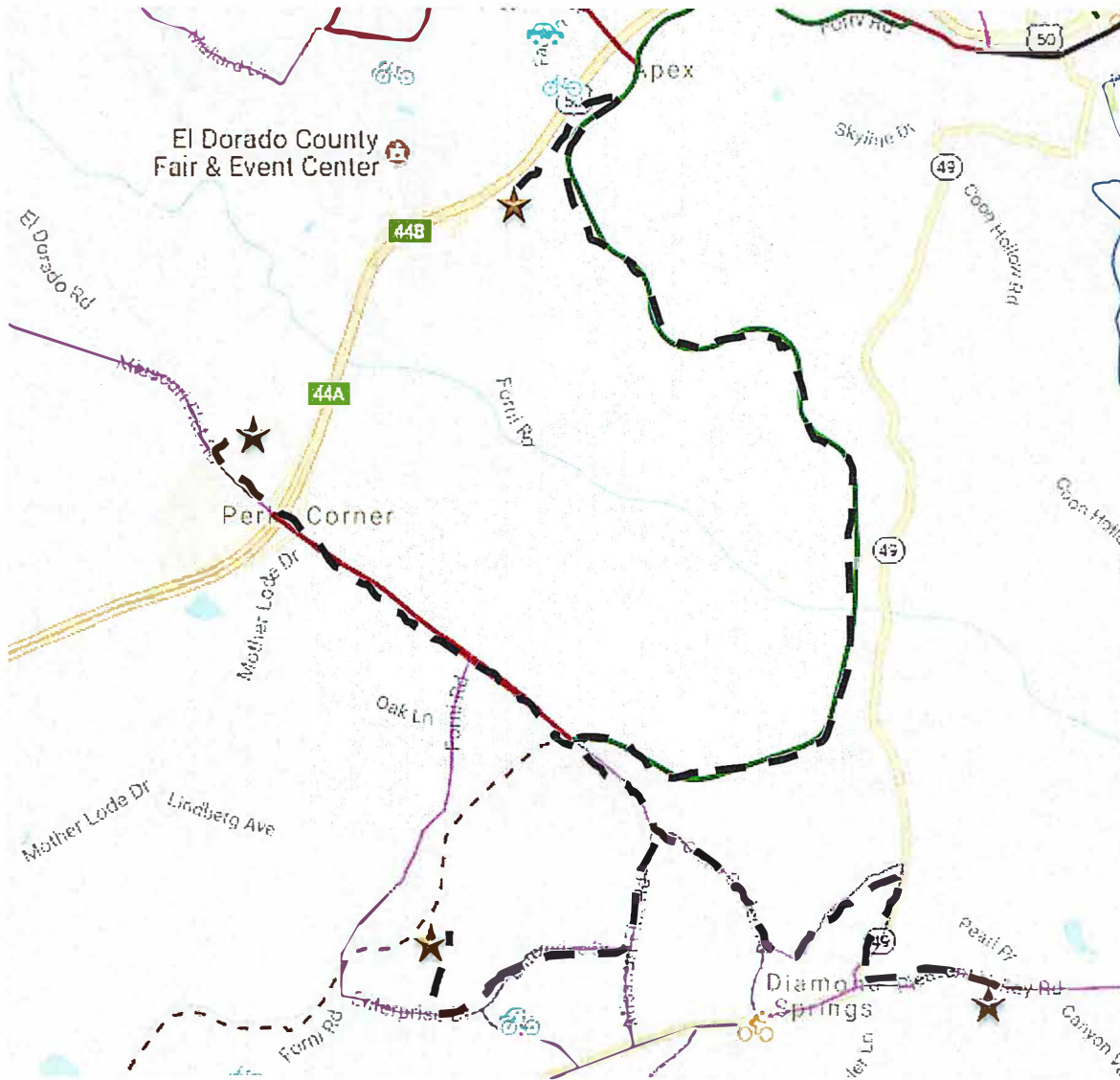
FEASIBLE BIKE ROUTES - PLACERVILLE

County Facility	County Facility	Distance	Access Available
HHSA Briw Road	Government Buildings Fair Lane	0.9 mile	Class I Paved Bike Path Class II Bike Lane
Government Buildings Fair Lane	HHSA Spring Street	2.4 miles	Class I Paved Bike Path Class II Bike Lane Class III Bike Route Rural Cycling Route Neighborhood Connector
HHSA Spring Street	HHSA Briw Road	2.6 miles	Class I Paved Bike Path Class II Bike Lane Class III Bike Route Rural Cycling Route Neighborhood Connector
HHSA Briw Road	Animal Services Capitol Avenue	4.1 miles	Class I Paved Bike Path Neighborhood Connectors
HHSA Briw Road	Transportation Headington Road	4.5 miles	Class I Paved Bike Path Class II Bike Lane
HHSA Briw Road	HHSA Pleasant Valley Road	4.8 miles	Class I Paved Bike Path Neighborhood Connectors

EDC EMPLOYEE BIKE-SHARE PILOT PROGRAM FEASIBLE BIKE ROUTES - PLACERVILLE



EDC EMPLOYEE BIKE-SHARE PILOT PROGRAM FEASIBLE BIKE ROUTES - PLACERVILLE

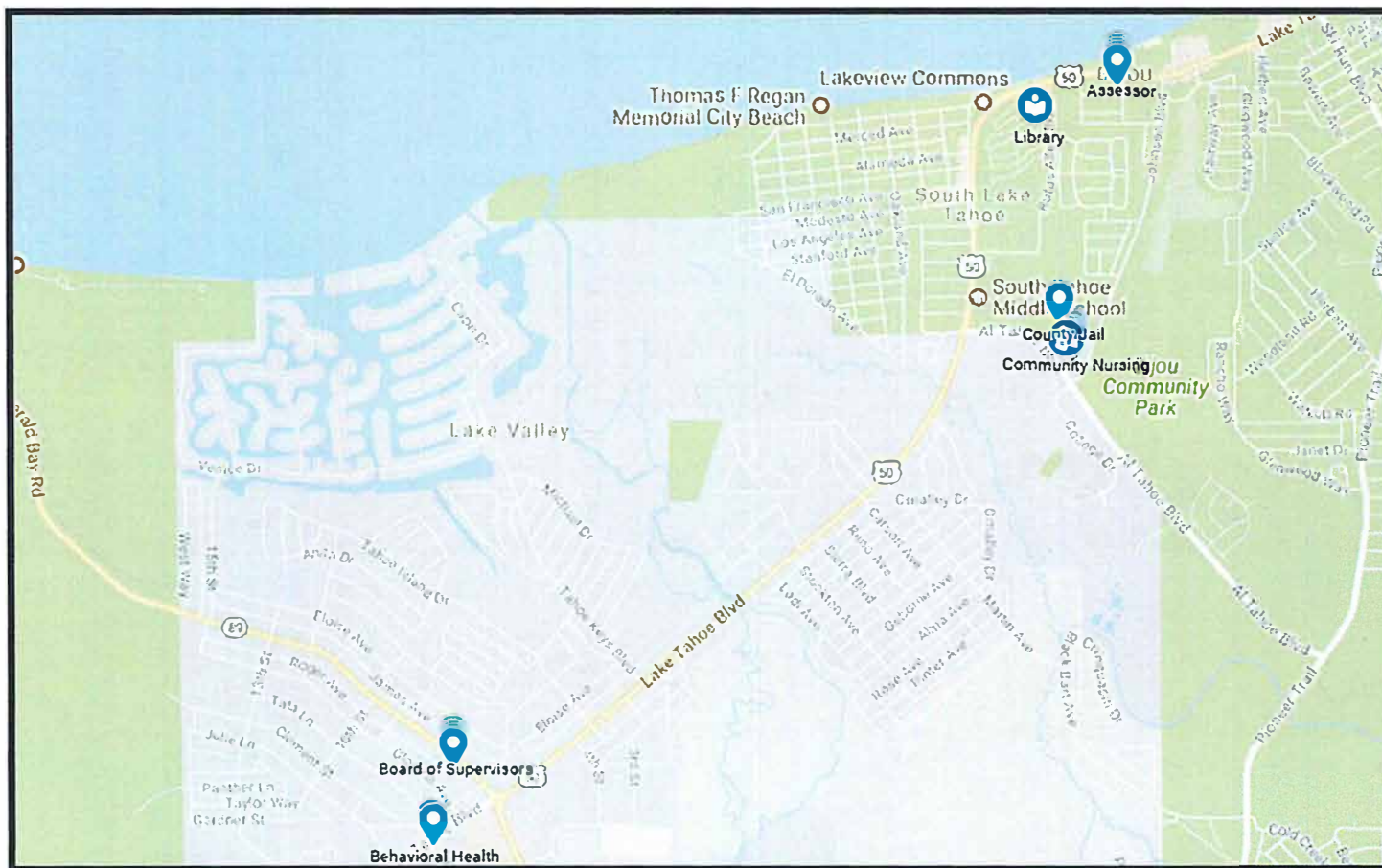


Bike Routes

-  Class I Paved Bike Path
-  Class II Bike Lane
-  Class III Bike Route
-  Neighborhood Connectors
-  Rural Cycling Routes
-  Natural Surface Trails

EDC EMPLOYEE BIKE-SHARE PILOT PROGRAM FEASIBLE BIKE ROUTES – SOUTH LAKE TAHOE

- The majority of county offices in South Lake Tahoe are within five miles of each other.



EDC EMPLOYEE BIKE-SHARE PILOT PROGRAM

SOUTH LAKE TAHOE

County Facility	County Facility	Distance	Access Available
Library 1000 Rufus Allen Blvd	Government Buildings 3368 Lake Tahoe Blvd	0.3 mile	Street Bike Lane
Government Buildings 3368 Lake Tahoe Blvd	Jail / Juvenile 1041/51 Al Tahoe Blvd	1.3 miles	Street Bike Lane
1041-1051 Al Tahoe Blvd	Government Buildings 1360 Johnson Blvd	0.1 mile	Street
Government Buildings 1360 Johnson Blvd	Government Buildings 924 Emerald Bay Road	2.9 miles	Street Bike Lane
Government Buildings 924 Emerald Bay Road	HHSA 1900 Lake Tahoe Blvd	0.4 mile	Street Bike Lane

