

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
January 11, 2022
Timed: 3:00 PM

To: Board of Supervisors

Through: Ann Edwards, County Executive
David Villanueva, Deputy County Executive, Administrative Services

From: Ben Lamera, Director, Department of Finance

Subject: Introduce Ordinance Amending Sacramento County Code Chapter 4.07 Banning Flavored Tobacco Sales To Any Person, Waive Full Reading, And Continue To January 25, 2022 For Adoption

District(s): All

RECOMMENDED ACTION

Introduce the attached Ordinance amending Chapter 4.07 of Title 4 of the Sacramento County Code (SCC) banning flavored tobacco sales to any person, waive full reading, and continue to January 25, 2022 for adoption.

BACKGROUND

In 2004, the Board approved a Tobacco Retailer Business License ordinance (SCC Chapter 4.07) aimed at reducing youth access to tobacco and smoking products. In 2016, the Board approved updates to SCC Chapter 4.07 to bring the County into conformance with new State laws and include provisions to strengthen and clarify the enforcement of the regulations.

In 2018, the Sacramento County Department of Health Services (DHS) Tobacco Education Program found that ten and one half (10.5) percent of tobacco retailers sampled in unincorporated Sacramento County unlawfully sold tobacco products to persons between the ages of eighteen (18) and twenty one (21).

DHS also found that nearly ninety (90) percent of all smokers begin by age eighteen (18) with a notable percentage using electronic cigarettes. Electronic cigarettes are used to ingest liquid nicotine, oftentimes referred to as "vaping." From 2013 to 2015, an estimated fifteen (15) percent of ninth and eleventh grade students in California reported using electronic smoking

Introduce Ordinance Amending Sacramento County Code Chapter 4.07
Banning Flavored Tobacco Sales To Any Person, Waive Full Reading, And
Continue To January 25, 2022 For Adoption
Page 2

devices and over nine (9) percent of California high school students reported buying their own electronic cigarette from a store.

A significant percentage of electronic cigarettes offered by tobacco retailers contain flavored liquid nicotine. Liquid nicotine, also known as “vape juice” comes in a variety of sweet or minty flavors that are attractive to youths. In 2016, an estimated eighty-two (82) percent of tobacco retailers in California sold flavored non-cigarette tobacco products, over ninety (90) percent sold menthol cigarettes, and eighty (80) percent of tobacco retailers near schools sold flavored non-cigarette tobacco products. Mentholated and flavored products have been shown to be “starter” products for youths who begin using tobacco and these products help establish tobacco habits that can lead to long-term addiction.

The attached proposed ordinance revisions ban the sale of flavored tobacco to any person regardless of age. The ban includes flavored cigarettes and cigars, and any other product containing tobacco or nicotine that may be ingested.

Significant changes to the ordinance include the addition of “characterizing flavor” and “flavored tobacco product” to the definitions to help describe flavors or aromas of tobacco that are, or are not, allowed to be sold. All cigarette products with smells and flavors besides the smell and flavor of tobacco are prohibited from being sold; therefore, the amendment adds “furnishing flavored tobacco products to any person” as a violation and basis for suspension or revocation of a Tobacco Retailer License. The ordinance amendment also provides in Section 4.07.060 for ninety (90) days, rather than thirty (30) days, for the County to determine whether a violation of a tobacco control law has occurred, in considering whether to issue or renew a Tobacco Retailer License. This revision is necessary to allow sufficient time to investigate possible violations.

Approval of this ordinance amendment will strengthen Sacramento County’s tobacco retailer ordinance in an effort to reduce person’s access to purchase or use flavored tobacco products, thereby reducing the potential for youths to begin or continue using tobacco products.

FINANCIAL ANALYSIS

The Tobacco Retailer License fee is currently \$359.00 annually, based on program costs and the number of likely licenses. The Department of Finance (DOF) is not recommending changes to the fee at this time, nor does the DOF expect any significant loss of licensing fees should this ordinance receive approval from the Board.

Attachment(s):

Introduce Ordinance Amending Sacramento County Code Chapter 4.07
Banning Flavored Tobacco Sales To Any Person, Waive Full Reading, And
Continue To January 25, 2022 For Adoption
Page 3

ORD – Ordinance (Clean)

ORD – Ordinance (Strikethrough)