Tobacco Retail License- Local Policy Work Update
San Marcos- Adopted 2016
Oceanside- In Progress
Escondido- In Progress

June 13th 2019

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TOBACCO USE IS THE LEADING CAUSE OF PREVENTABLE DEATH

9 out of 10 people who smoke started before age 18 and 98% before age 26

78% increase in Electronic Smoking Devised (ESD) use for high school students and 48% increase for middle school students

Youth who use ESD are 3X more likely to try another tobacco product
Tobacco Products = cigarettes, cigars, smokeless tobacco, electronic smoking devices (ESD) and e-liquids
Oceanside
99 tobacco retailer
including (13) smoke/vape shops
Whether the device had tobacco only, marijuana or a mix, these were the kids caught with a electronic smoking device (tobacco product)

<table>
<thead>
<tr>
<th>SUSPENSIONS 8.20.18 – 3.25.19</th>
<th>ATS 8.20.18 – 3.25.19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tobacco</td>
<td>Incidents</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Vaping/Marijuana</td>
<td>27</td>
</tr>
<tr>
<td>Marijuana</td>
<td>21</td>
</tr>
<tr>
<td>THC</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>93</td>
</tr>
</tbody>
</table>
Youth volunteers (age 18-20) were trained and assessed the sales rate at 49 randomly selected stores by attempting to buy either a traditional cigarette or ESD.

Of stores surveyed sold either traditional cigarettes or an ESD to a young adult surveyor.

24% of stores surveyed sold either traditional cigarettes or an ESD to a young adult surveyor.

Over half of successful purchases were sold with either no ID or after viewing the young adult’s underage ID.
ENVIORNMENTAL SCAN

99 tobacco retailers

Tobacco retailers sell JUUL

Of these businesses had advertisements for JUUL

An average of 4 appealing flavors are offered

Of these businesses had JUUL ads placed at the eye-level of children and 17% next to products marketed to children

“Kids try to buy JUUL all the time and say their ID is at home or that they know the clerk.” - Store Manager, Oceanside
Escondido

YOUNG ADULT TOBACCO PURCHASE SURVEY (YATPS)

124 tobacco retail establishments including (15) smoke/vape shops

Youth volunteers (age 18-20) were trained and assessed the sales rate at 80 randomly selected stores by attempting to buy either a traditional cigarette or ESD

Of stores surveyed sold either traditional cigarettes or an ESD to a young adult surveyor (2017)

20%

December 2017 - 16 stores
April 2017 - 1 store
April 2016 - 11 stores
February 2015 - 9 stores
Total: 37 Sales

Age changed to 21 but still used under 18 year olds
Tobacco Retail Licensing (TRL) is Effective

Evidence-based policy to reduce illegal sales of tobacco products to minors

**What is a TRL?**

Additional license and fee that all tobacco retailers must obtain in order to sell tobacco products and must be renewed annually.

Fee is set high enough to fund an effective program including administration and enforcement.

**Why does it work?**

Financial deterrent through fines and penalties including suspension and revocation of the license.

Retailers are more likely to check IDs and not sell to youth.

156 communities in California have a strong tobacco retailer licensing ordinance.
Tobacco Retail Licensing (TRL)

**Plug-In Options**

- Restrictions- flavors/menthol, electronic smoking devices
- Remove drug paraphernalia (excludes water pipes & vaporizers)
- Tobacco- Free Pharmacies
- Cigar packaging
- Density and zoning (Limit proximity to other retailers/ 1,000ft zoning from youth sensitive areas)

**36 City/Counties have passed some sort of flavor, menthol, little cigars, smokeless, accessories, e-cig or youth zoning policy**

**23 communities have passed tobacco-free pharmacy policies**

**Local ordinances that include drug paraphernalia**
San Marcos, Lemon Grove and Chula Vista
### Tobacco Retail Licensing (TRL)

#### Effectiveness

<table>
<thead>
<tr>
<th>City</th>
<th>Year Passed</th>
<th>Fee</th>
<th>Before</th>
<th>After</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vista</td>
<td>2005</td>
<td>$250</td>
<td>39%</td>
<td>1%</td>
</tr>
<tr>
<td>El Cajon</td>
<td>2004</td>
<td>$698</td>
<td>40%</td>
<td>1%</td>
</tr>
<tr>
<td>Riverside</td>
<td>2006</td>
<td>$350</td>
<td>65%</td>
<td>31%</td>
</tr>
<tr>
<td>Murrieta</td>
<td>2006</td>
<td>$350</td>
<td>31%</td>
<td>7%</td>
</tr>
<tr>
<td>*San Marcos</td>
<td>2016</td>
<td>$150</td>
<td>4.9% *</td>
<td>10%*</td>
</tr>
<tr>
<td>*Lemon Grove</td>
<td>2018</td>
<td>$TBD</td>
<td>41%</td>
<td></td>
</tr>
<tr>
<td>*Chula Vista</td>
<td>2018</td>
<td>$TBD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Popularity of electronic smoking devices have more cities to look into Tobacco Retail Licensing as a way to help protect their community.

- San Marcos- drug paraphernalia was available at 21% of the surveyed stores
- *both sales were e-cigarettes
Tobacco Retail License (TRL) Overview

Requires store owners to purchase an license

Fees established by the City

TRL fees ONLY cover *administration* of the program and *enforcement & compliance checks*

How does it reduce youth access?

Violation of the ordinance → fine, license suspended or revoked

Stores are less likely to sell when they know there will be a compliance check that year that could result in consequences to their business.
TOBACCO BILL UPDATES

ACTIVE

SB 8- smoking at parks /beaches

Upcoming hearing- June 18th
Previously vetoed multiple times

SB 39- tobacco products/ signage

prohibit advertising or promoting the electronic smoking device, as defined, in a manner that is attractive to persons under 21 years of age, as specified, or is intended to encourage persons under 21 years of age to use the device.

INACTIVE/OUT

SB 38- flavor/menthol ban

Pulled out by Senator Hill due to amendments that defeat the purpose of protecting youth

AB 131- advertising

AB 1718, SB 424, SB 538

distributors to deliver tobacco products only in conspicuously marked containers, as specified, and to obtain the signature of a person 21 years of age or older before delivering a tobacco product.
EXTRA INFORMATION

flavors & marijuana
CHEMICALS THAT CREATE FLAVORS

Study shows e-cigs increase risk of heart attack

- Cinnamon and menthol were the most toxic flavors

Union Tribune 5-28-19

“Vaping and some flavorings, even without nicotine, triggered blood vessel dysfunction that an increase the risk of HEART DISEASE.”

Harvard 5-14-19

Found bacterial and fungal toxins after examining 75 popular e-cigarette products

Exposure to these microbial substances is associated with numerous human health issues- asthma, reduced lung function and inflammation
CANNABIS CONCENTRATES/EXTRACTS

**Handheld Vaporizer**
Using a handheld vaporizer is another portable method to consume cannabis concentrates. With a vaporizer, you manually fill a chamber with any type of concentrate and attach the chamber to a battery. The chamber typically contains a heating coil that turns the concentrate into a vapor when the user presses a button. Unlike a dab rig, this method does not require any additional equipment, but still gives you the ability to pre-fill the chamber with any type of concentrate and use it on demand.