



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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- a. Receive a presentation from the Health Department, Sheriff's Office, and District Attorney's Office regarding tobacco retail license statute and ordinance enforcement and Department of Justice grant implementation; and
- b. Provide direction to county staff as necessary.

RECOMMENDATION:

It is recommended that the County of Monterey Board of Supervisors:

- a. Receive a presentation from the Health Department, Sheriff's Office, and District Attorney's Office regarding tobacco retail license statute and ordinance enforcement and Department of Justice grant implementation; and
- b. Provide direction to county staff as necessary.

SUMMARY/ DISCUSSION:

At the request of Supervisor Askew, the County of Monterey Health Department, Offices of the Sheriff and District Attorney will provide an update regarding tobacco retail license statute enforcement and alignment with the new Department of Justice grants to support compliance efforts.

In 2012, the County of Monterey Board of Supervisors adopted Ordinance Number 5200, adding Chapter 7.80 to the County Municipal Code to establish local licensing requirements for tobacco retailers operating in unincorporated Monterey County. The purpose of the ordinance is to reduce illegal sales of tobacco products to youth and young adults by enhancing outreach, education, and enforcement efforts directed at tobacco retailers. It establishes licensing requirements designed to promote responsible retailing and prevent violations of tobacco-related laws.

Local tobacco retail license (TRL) programs with strong enforcement provisions ensure tobacco retailers are compliant with local, state, and federal laws that address public health concerns in the tobacco retail environment such as the illegal sale of flavored products, and the illegal sale of tobacco to youth. TRL programs ensure retailers are held accountable for violating tobacco control laws.

Currently, the Health Department's Public Health Bureau facilitates the onboarding of new tobacco retailers by providing outreach, education, and collecting applications and initial fees. The Public Health Bureau also conducts ongoing outreach and education for existing licensed tobacco retailers. Meanwhile, the Environmental Health Bureau issues annual TRL invoices, collects annual fees, and enforces the TRL ordinance by conducting annual routine inspections to ensure compliance issues are addressed on-site.

Due to limited staff resources, the Sheriff's Office last conducted youth decoy operations in 2021, during which 29 retailers were visited, resulting in three reported underage tobacco sales. In 2025, funding from the JUUL settlement, allocated to the Health Department, will support the resumption of these operations. The Sheriff's Office will restart youth decoy activities to identify and address non-compliant tobacco retailers. During youth decoy operations, young adults will attempt to purchase tobacco products, including e-cigarettes, from retailers. The results will inform the community, the Board of Supervisors, and partner cities, and will be used to provide feedback to businesses, and develop community interventions.

Additional compliance checks are conducted by the Stop Tobacco Access to Kids Enforcement (STAKE) program of the Food and Drug Branch of the California Department of Public Health. The STAKE program plays a critical role in reducing youth access to tobacco products and promoting public health. STAKE compliance checks and county TRL compliance checks achieve the same goals-preventing the illegal sale of tobacco to minors. STAKE compliance checks enforce state law, while county TRL compliance checks enforce local ordinances. Both programs complement each other to strengthen tobacco enforcement and reduce youth access to tobacco products.

California Synar Tobacco Purchase Survey results reveal that local tobacco retailers have sold tobacco to youth and young adults within Monterey County. Retailer violation rates for underage tobacco sales in the Central Coast area, including Monterey County, were reported at 20.8% in 2023 and 16.7% in 2024. In 2023, the Central Coast received a 75% rate (the 2nd highest in the state) for signage violations, based on the surveys completed by the STAKE Act and State Tobacco Control Program. These results indicate that more enforcement is needed within the county.

The Sheriff's Office and the District Attorney's Office have each been awarded new Department of Justice (DOJ) grants to strengthen Tobacco Retail License (TRL) enforcement efforts.

- The Sheriff's Office has been awarded DOJ grant funding for FY26 through FY28, covering 20 retail inspections, 10 minor decoy operations, 10 shoulder tap operations, 10 undercover buys, retailer education, and enforcement officer training.
- The District Attorney's Office has received DOJ grant funding for FY25 and FY26, supporting 24 undercover buy operations per year (excluding minor decoy and shoulder tap operations). This initiative will target both retail locations and online sales, focusing on civil prosecutions under California's Unfair Competition Law (Business and Professions Code § 17200) rather than issuing citations to individual store clerks.

These DOJ grants will enhance TRL fee-funded enforcement efforts by enabling expanded investigations, particularly in areas that may not have been prioritized under licensing fee funding. Additionally, they will support investigations of repeat offenders, facilitating the assessment of penalties and the development of cases for civil prosecution.

The success of the TRL program in further reducing illegal tobacco sales to youth and young adults depends on effective retailer outreach and education, comprehensive young adult tobacco purchase

surveys, and strong enforcement. The California Department of Public Health, County of Monterey Health Department, Sheriff's Office, and District Attorney's Office are committed to collaborating to enforcing tobacco retail license.

Currently, meetings are underway to explore opportunities for enhancing outreach and education efforts while strengthening enforcement and reporting mechanisms. Roles and responsibilities for each agency are being clearly defined, and an interdepartmental agreement is in draft. As these roles are finalized, TRL program fee studies will be conducted to assess the cost to implement the TRL program.

The Health Department requests the Board of Supervisors provide direction to County staff as necessary.

This work supports the County of Monterey Health Department's 2025-2028 Strategic Plan Goals: 1. Build community power and partners' capacity to increase equity and improve health. It also supports two of the ten essential public health services, specifically: 3. Communicate effectively to inform and educate people about health, factors that influence it, and how to improve it; and 4. Strengthen, support, and mobilize communities and partnerships to improve health.

OTHER AGENCY INVOLVEMENT:

The Sheriff's Office and the District Attorney's Office contributed to development of this report and jointly present this update to the Board of Supervisors.

FINANCING:

Receipt of this report does not have a financial impact. However, implementation of strategies contained within the update may require varying degrees of financial resources from various departments/offices which would need to be addressed through a fee study process.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

☐ Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☐ Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

☐ Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services, promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

☐ Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

☐ Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

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Attachments:

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Presentation