



County of Monterey

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

Legislation Details (With Board Report)

File #: 15-1098 **Name:** Update Tobacco Retail License
Type: General Agenda Item **Status:** Agenda Ready
File created: 10/6/2015 **In control:** Health, Housing & Human Services Committee
On agenda: 11/18/2015 **Final action:**
Title: Receive an oral presentation on the Monterey County Tobacco Retail License ordinance for the unincorporated areas of the County of Monterey.
Sponsors: Ray Bullick
Indexes:
Code sections:
Attachments: 1. Board Report

Date	Ver.	Action By	Action	Result
11/18/2015	1	Health, Housing & Human Services Committee		
10/15/2015	1	Health, Housing & Human Services Committee		

Receive an oral presentation on the Monterey County Tobacco Retail License ordinance for the unincorporated areas of the County of Monterey.

RECOMMENDATION:

It is recommended that the Board of Supervisors Health and Human Services Committee:
Receive an oral presentation on the Monterey County Tobacco Retail License ordinance for the unincorporated areas of the County of Monterey.

SUMMARY/DISCUSSION:

During fiscal year 2014-2015, the Monterey County Tobacco Retail License (TRL) program approved 85 tobacco retail licenses. Licenses are paid through the standard Environmental Health new permit and renewal process.

The Monterey County Health Department, Environmental Health Bureau conducted routine inspections of tobacco retailers as part of the TRL program. Environmental Health inspections ensure that tobacco retailers are appropriately posting the County TRL and California Board of Equalization licenses, are posting the Stop Tobacco Access to Kids Enforcement (STAKE) Act required age-of-sale warning sign, are not selling single cigarettes, do not have self-service tobacco displays and are placing tobacco products behind the sales counter.

Environmental Health conducted 110 inspections at 79 tobacco retailers in Monterey County. Some facilities were inspected more than once. Among 79 tobacco retailers surveyed, nine (9) could not provide a valid County permit. Further investigation revealed that each of these nine (9) retailers did in fact have a license, but had not posted the permit. In some instances, the fee had been paid but the permit had not yet been received by the retailer. In other cases, the retailer had requested that the permit be delivered to a corporate office located out of state.

Environmental Health also identified six (6) tobacco retailers that did not have a valid California Board of

Equalization (BOE) license to sell tobacco. Environmental Health provided each of these retailers the BOE phone number to renew or apply for a BOE license. The TRL program also provided the California BOE the list of tobacco retailers operating without a BOE license.

Ten retailers did not have a California STAKE Act (BPC section 22950-22963) required age-of-sale warning sign displayed at their business. An age-of-sale warning sign must be posted conspicuously at each point of sale to deter tobacco sales to youth. Environmental Health provided STAKE Act warning signs to these retailers to ensure compliance with California BPC and County TRL ordinance.

Out of 79 tobacco retailers inspected, none had single cigarettes for sale and none had self-service tobacco displays.

The Board of Supervisors adopted a resolution on September 1, 2015, adjusting the TRL fee from \$286 to \$297, effective October 1, 2015.

The Tobacco Retail License program is coordinating with the Sheriff's Office and County Counsel to conduct youth tobacco purchase surveys. Youth volunteers that participate in the survey, accompanied by sheriff deputies, will attempt to purchase tobacco at retail locations. Retailers that sell to youth will be cited. Monterey County will make youth volunteer safety during these surveys a priority.

The Cities of Monterey and Salinas adopted TRL ordinances in 2014 and 2015, respectively. The Tobacco Retail License program is working with County Counsel to develop memorandums of agreement between the County and these two cities which will allow the cities to implement their ordinances.

This work supports the following Monterey County Health Department 2011-2015 strategic plan initiatives: 1) Empower the community to improve health through programs, policies, and activities; and 2) Enhance community health and safety by emphasizing prevention. This work also supports one or more of the ten essential public health services, specifically: 5) Develop policies and plans that support individual and community health efforts; 6) Enforce laws and regulations that protect health and ensure safety; and 10) Research for new insights and innovative solutions to health problems.

OTHER AGENCY INVOLVEMENT:

Health Department Environmental Health Bureau, County Counsel and the Sheriff's Office provided input related to implementation of the County ordinance.

FINANCING:

There is no impact to the General Fund resulting from receipt of this oral presentation.

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