



## Legislation Details (With Board Report)

<b>File #:</b>	16-1169	<b>Name:</b>	Tobacco Retail License
<b>Type:</b>	General Agenda Item	<b>Status:</b>	Agenda Ready
<b>File created:</b>	10/7/2016	<b>In control:</b>	Health, Housing & Human Services Committee
<b>On agenda:</b>	10/20/2016	<b>Final action:</b>	
<b>Title:</b>	Receive an oral presentation on implementation of the Monterey County Tobacco Retail License Program in the unincorporated areas of the County of Monterey and other local jurisdictions.		
<b>Sponsors:</b>	Ray Bullick		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Board Report		

Date	Ver.	Action By	Action	Result
10/20/2016	1	Health, Housing & Human Services Committee		

Receive an oral presentation on implementation of the Monterey County Tobacco Retail License Program in the unincorporated areas of the County of Monterey and other local jurisdictions.

### RECOMMENDATION:

It is recommended that the Board of Supervisors Health and Human Services Committee:  
Receive an oral presentation on implementation of the Monterey County Tobacco Retail License Program in the unincorporated areas of the County of Monterey and other local jurisdictions.

### SUMMARY/DISCUSSION:

As background, on July 2, 2012, Board Chair Dave Potter notified City Mayors in Monterey County that the Board of Supervisors had implemented a county Tobacco Retail License (TRL) Program by adopting an ordinance adding chapter 7.80 to the county code establishing licensing requirements for tobacco retailing within the unincorporated area of Monterey County. This ordinance is structured so that cities can implement their own tobacco retail license program by adopting the county ordinance as their own ordinance. The primary goal of the county Tobacco Retail License Program and TRL ordinance is to reduce youth access to tobacco. Chair Potter encouraged Mayors to join the County to help abolish youth smoking.

Following Board approval of the county TRL ordinance, the cities of Carmel, Monterey and Salinas approved resolutions which adopt the county TRL ordinance by reference in 2013, 2014 and 2015, respectively.

A Memoranda of Agreement (MOA) between the County of Monterey and the City of Monterey to administer the TRL program has been completed. Last month, notices were sent out by the City of Monterey to tobacco retailers within city limits informing them of this requirement and instructions on how to apply for TRL permit. Applications have been received by Tobacco Control Program staff and are being processed.

The MOA with the City of Monterey is being used as a template for reviewing and approving MOA's with Carmel and Salinas. The outline below provides key events that are necessary for implementing the TRL in Salinas and Carmel.

1. Carmel and Salinas City Councils will modify their TRL Resolution or Fee Schedule to reflect the current County of Monterey TRL fee of \$321.
2. The cities of Carmel and Salinas will complete the MOA review and approval process, which requires the following steps;
  - County Counsel Approval,
  - County Risk Management Approval,
  - County Auditor Approval,

- City Council Approval,
- Board of Supervisors Approval.

Once the MOA's are in place, county TRL program staff will work with Carmel and Salinas city staff to implement their TRL programs. First, the cities will inform tobacco retailers that the city TRL ordinance will be administered by the county Tobacco Retail License Program. The cities and county will then begin to provide education and outreach to tobacco retailers, by providing a copy of the ordinance, a Frequently Asked Questions (FAQ) brochure, and an application for licensure with instructions on how to complete and submit the TRL application and how to contact program staff.

Regarding the TRL program within the unincorporated area of Monterey County, enforcement is conducted by the Environmental Health Bureau who inspect tobacco retailers. This fiscal year, Environmental Health staff inspected 80 out of the 82 tobacco retailers in the unincorporated area of the county. Two retailers were not inspected because they were closed for the season. Environmental Health staff provide retailer education at the point of inspection resulting in that most of the compliance issues are corrected on site.

Additional enforcement is conducted by Sheriff's Office and a local, youth-focused non-profit organization. Youth tobacco purchase surveys are conducted to identify retailers that illegally sell tobacco to minors. Monterey County makes youth volunteer safety a priority for this and similar activities. Youth, accompanied by Sheriff Detectives, visited and attempted to purchase tobacco at 49 retail locations. Retailers sold to underage youth on 14 out of the 49 occasions (29%). Retailers that sold tobacco to youth as part of this inspection were cited. Tobacco Control staff will meet with the Sheriff's Department and the youth-focused non-profit organization to coordinate future youth tobacco purchase surveys and to assist in identifying opportunities and planning practical interventions to educate retailers on how to best comply with laws regarding illegal tobacco sales to youth.

The Monterey County Health Department appreciates the County Board of Supervisors' ongoing support of public health efforts to reduce youth tobacco access which will in turn reduce tobacco use in Monterey County and save lives.

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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