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SUPERVISOR WILMA CHAN ANNOUNCED PASSAGE OF TOBACCO RETAIL LICENSE ORDINANCE IN ALAMEDA COUNTY

*New Ordinance is One of the Strongest in California, Bans the Sale of Flavored Tobacco Products
in Unincorporated Areas*

Oakland, CA – Supervisor Wilma Chan today announced the approval of an ordinance that bans certain tobacco products that encourage youth consumption in the County’s unincorporated areas and requires all tobacco retailers in these areas to obtain a license to sell tobacco products. The new law, which was passed 4-0 with one abstention by the Alameda County Board of Supervisors, represents one of the strongest and most comprehensive tobacco retail licensing ordinances in both California and the entire nation.

The ordinance bans the sale of all flavored tobacco products – including menthol cigarettes – as well as the redemption of all tobacco-related coupons in the unincorporated communities of Ashland, Castro Valley, Cherryland, Fairview, Hayward Acres, San Lorenzo, and Sunol. Retailers of tobacco products and paraphernalia must obtain a nontransferable license that requires an annual licensing fee and mandates that clerks check IDs for customers who appear to be under the age of 27.

Overwhelming evidence indicates that the tobacco industry continues to target young adults through the sale and marketing of flavored and mentholated tobacco, which are considered “starter” products that can lead to lifelong addiction and serious health risks. In California, over two-thirds of current and former adult smokers report having started by the age of 18, and four out of five youth smokers nationally say they first used a flavored tobacco product. In Alameda County, the 2017-2018 California Student Tobacco Survey found that over 87% of current youth teen smokers had reported using a flavored product.

“As elected officials, we have an obligation to protect our young citizens from the health risks of flavored tobacco and the predatory practices of the tobacco industry,” Supervisor Chan said. “This ordinance for our unincorporated areas will ensure that Alameda County will continue prioritizing the health and safety of our youngest and most vulnerable residents by restricting youth access to tobacco products while encouraging responsible and healthy retailing.”

In addition to endangering Alameda County’s young residents, flavored tobacco products also pose a threat to lower-income communities of color. Studies have shown that underserved communities are likely to have a greater number of tobacco retailers, cheaper prices for menthol cigarettes, and higher levels of targeted marketing through price discounts and coupons. In addition, marketing of menthol cigarettes has proven to increase the prevalence of smoking among African Americans, Hispanics, and youth populations.

In order to promote healthy equity, the ordinance includes a density provision that limits the total number of tobacco retail licenses to 1 per 2,500 residents in the unincorporated areas—in alignment with the state’s density ratio for alcohol retailers. Overtime this density provision will bring down the number of tobacco retailers in the County’s unincorporated areas by almost half.

“Alameda County holds tight to its obligation to the people. The goal of this ordinance is to reduce density and limit access to our youth and other at-risk citizens,” said Supervisor Haggerty. “I firmly believe the enforcement of this ordinance is the right step toward to building a stronger, healthier Alameda County.”

Other restrictions include prohibiting new retail licenses within 1,000 feet of schools and youth-populated areas, within 500 feet of existing tobacco retailers, and to businesses that contain a pharmacy. The law also establishes a minimum sale price of \$8.00 per cigar, pack of cigarettes, or pack of little cigars, while requiring a package size of at least 20 little cigars. A September study in the unincorporated area found that 83% of surveyed stores that sell little cigars offer them in pack sizes as small as one or two, with the lowest price for a single flavored product being \$0.49.

Retailers in violation will be suspended from selling all tobacco products for 30 days for a first offense, 90 days for a second offense and one year for a third violation. A fourth infraction will result in license revocation, and all violations will remain on a retailer’s record for a five-year period. Enforcement of the licensing program will be conducted by the Alameda County Sheriff’s Department.

The ordinance will join similar laws passed by ten cities within Alameda County. To date, tobacco retail licensing programs have been adopted by Alameda, Albany, Berkeley, Dublin, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City.

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About Supervisor Wilma Chan

Alameda County Supervisor Chan represents District 3, which includes the cities of Alameda, San Leandro, parts of Oakland including Chinatown, Jack London, Fruitvale and San Antonio neighborhoods, and the unincorporated communities of San Lorenzo and Hayward Acres. She is currently Chair of the Health Committee and ALL IN Steering Committee, and a member of the County’s Personnel, Administrative, and Legislative Committee, the Budget Workgroup, the Unincorporated Services Committee, and the Ad Hoc Committee on Immigrant and Refugee Rights. For more on Supervisor Chan’s accomplishments and initiatives, please visit www.acgov.gov/board/district3 or connect on Facebook with “Supervisor Wilma Chan.”