



Resolution No. 15-05

Resolution of the Board of Directors of Palm Drive Health Care District in Support of a Purposed Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Adding Chapter 32A to the Sonoma County Code to Require the Licensure of Tobacco Retailers

- WHEREAS, based in part on the information contained in this section, the Palm Drive Health Care District, finds that if tobacco retailers fail to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, this presents a threat to the public health, safety, and welfare of the residents of the West Sonoma County; and
- WHEREAS, a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the County, to protect the health, safety, and welfare of our residents; and
- WHEREAS, approximately 480,000 people die in the United States from tobacco-related diseases every year, making tobacco use the nation's leading cause of preventable death; and
- WHEREAS, recent data shows that the Palm Drive Health Care District, has the second highest teen smoking rate in Sonoma County that is both higher than the County and State smoking rate; and
- WHEREAS, over 570 residents of the County of Sonoma die each year from preventable tobacco-related causes; and
- WHEREAS, state law requires all tobacco retailers to be licensed by the Board of Equalization primarily to curb the illegal sale and distribution of cigarettes due to tax evasion and counterfeiting (Cal. Bus. & Prof. Code §§ 22970.1, 22972); and
- WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3); and
- WHEREAS, California courts have affirmed the power of the County to regulate business activity to discourage violations of law. See, e.g., *Cohen v. Board of Supervisors*, 40 Cal. 3d 277 (1985); *Bravo Vending v. City of Rancho Mirage*, 16 Cal. App. 4th 383 (1993); *Prime Gas, Inc. v. City of Sacramento*, 184 Cal. App. 4th 697 (2010); and
- WHEREAS, despite the state's and County's efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the fact that:
- In California, 36.8 percent of high school students have smoked a whole cigarette by 14 years of age; and
 - In California, 64 percent of adult smokers started by the age of 18; and
 - In Sonoma County, 26 percent of 11th graders have smoked a whole cigarette and 13 percent report any use of cigarettes in the past 30 days; and
 - In Sonoma County, 70 percent of 11th graders and 52 percent of 9th graders report that it is "fairly" or "very" easy to obtain cigarettes; and
- WHEREAS, California retailers continue to sell tobacco to underage consumers, as evidenced by the following:
- Nearly 9 percent of all tobacco retailers were witnessed unlawfully selling to minors in 2014 according to the State Youth Tobacco Purchase Survey; and

WHEREAS, Sonoma County retailers continue to sell tobacco to underage consumers, as evidenced by the following:

- Eighteen (18) percent of tobacco retailers in the unincorporated Sonoma County, sold to minors in 2015 according to a County of Sonoma, Department of Health Services Youth Tobacco Purchase Survey; and

WHEREAS, research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes. For example:

- A review of 33 California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in 31 of these communities after the ordinances were enacted, with an average decrease of 26 percent in the youth sales rate;
- A requirement for a tobacco retailer license will allow the County to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws, but it will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults; and A study of California high school students found that the prevalence of smoking was higher at schools in neighborhoods with five or more tobacco outlets than at schools in neighborhoods without tobacco outlets; and

WHEREAS, a California study found that the density of tobacco retailers near schools was positively associated with the prevalence of students reporting experimental smoking; and

WHEREAS, high density of tobacco retailers has been associated with increased smoking rates, particularly among youth; and

WHEREAS, a study of California neighborhoods found that the density and proximity of tobacco retailers influence smoking behaviors, including number of cigarettes smoked per day; and

WHEREAS, studies show that the number and density of tobacco retailers serving areas of economic disadvantage are disproportionately high; and

WHEREAS, many retailers sell cigars, little cigars, and cigarillos individually, making them more affordable and appealing to youth; and

WHEREAS, cigarillos are often sold individually for less than 70 cents each; and

WHEREAS, in California the cheapest available cigarettes sell for an average of only \$4.30 per package; and

WHEREAS, the availability of inexpensive tobacco products leads to increased tobacco use as evidenced by the over 100 academic studies which conclusively show that when tobacco products are made more expensive fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use; and

WHEREAS, for every one percent increase in the cost of tobacco products there is a decrease in consumption and a 20% price increase on the price of a package of cigarettes would reduce:

1. Demand for cigarettes by approximately 10.4%;
2. The prevalence of adult tobacco use by 3.6%;
3. Initiation of tobacco use by young people by 8.6%; and

WHEREAS, youth under age 18 are particularly responsive to changes in price. For example:

- When cigarettes cost more, fewer adolescents start smoking;
- Price reductions can offset the effects of price increases on youth smoking initiation, especially among youth ages 14 to 17 years old;
- The evidence is suggestive that tobacco companies deliberately target youth with price reductions; and

