**Tobacco Retail License Recommendations**

**For the City of Sebastopol**

The Gravenstein Health Action Chapter-Cradle to Career Task Force, in partnership with the Sonoma County Tobacco-Free Community Coalition recommend that the City of Sebastopol adopt a Tobacco Retail License that contains the 10 provisions listed below.

Note: This recommendation was completed with technical support from the Sonoma County Department of Health Services, Impact Sonoma Tobacco & Nicotine Prevention Team, who provided research on the number of California jurisdictions with policy provisions, evidence for specific provisions, and prevalence data.

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| **Provision Title** | **Proposed for Sebastopol** | **CA Communities with Provision\*** | **Evidence of Provision’s Effectiveness** | **Why the Provision is Needed/****Status in Sebastopol** |
| 1. Restrict Flavored Tobacco Products **(Section 8.06.050A)**
 | Ban sale of all flavored tobacco products. | 83 jurisdictions statewide, 3 in Sonoma County: Cloverdale, City of Sonoma, & Windsor | * An evaluation of New York City’s law, which prohibits the sale of all flavored tobacco, excluding menthol, found that as a result of the law, youth had 37% lower odds of ever trying flavored tobacco products and 28% lower odds of ever using any type of tobacco[;](#_heading=h.1t3h5sf) 29
* According to the FDA, 81 percent of youth and 86 percent of young adults who ever used tobacco—even once or twice in their lifetimes—reported that the first tobacco product they used was flavored.42
 | * “All of the [tobacco] products we collect are flavored” - Shauana Ferdinanson, Analy High School Principal.
* Of the California teens who consume tobacco products, including vape products, 86.4% report using a flavored tobacco product. 33
* The FDA reported a 78% rise in e-cigarette use among high school students and 48% increase among junior high students between 2017 and 2018. 35
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| 1. Restrict Sale of e-cigarettes

**(Section 8.06.050B)** | Ban sales of all nicotine e-cigarette devices. | 22 jurisdictions statewide, Ø in Sonoma County | * A nationally survey of youth who had used JUUL in the last 30 days: 74% of youth are obtaining JUUL e-cigarettes from a physical retail location, 52% from a social source, and 5% from the internet.28
 | * Vaping products are the most commonly used tobacco product in California. .34
* More than 80% of high-school students who consume tobacco use a vaping device. 33
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| 1. No Discount / Coupons

**(Section 8.06.060D)** | Restrict retailers from accepting or offering discounts or coupons on tobacco products. | Ø in Sonoma County | * Tobacco companies spend billions in price discounts in efforts to counter state and local tobacco control efforts, appeal to price-sensitive consumers, and increase demand for tobacco products. For example, tobacco companies spent the majority of their marketing budgets on price discounts, accounting for nearly $8 billion of $8.7 billion advertising and promotional expenditures in 2016. [14](#_heading=h.1fob9te),[15](#_heading=h.3znysh7),[26](#_heading=h.4d34og8)
* The tobacco industry’s price discounting strategies, such as coupons and multiple- package discounts, are popular among consumers, with more than half of adults using some price minimization strategy. In California, individuals who use price minimization strategies save an average $1.04 per pack (or 18.6% off the total). [27](#_heading=h.2s8eyo1)
 | * A survey by GHAC/TC found that City of Sebastopol retailers are using price discounting strategies on tobacco products.
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| 1. Minimum Price

**(Section 8.06.060F)** | Set a minimum price of $10 per pack of cigarettes, little cigars, & cigars. | 3 Jurisdictions statewide:County of Sonoma & Windsor each at $7 per pack.Santa Barbara County @ $10 | * The availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use. [11](#_heading=h.17dp8vu),[12-15](#_heading=h.3rdcrjn),[16-19](#_heading=h.26in1rg)
* A 20% price increase would reduce demand for cigarettes by approximately 10.4%, the prevalence of adult tobacco use by 3.6%, and initiation of tobacco use by young people by 8.6%; 20
* Studies estimate that if price discounts were prohibited across the US, the number of people who smoke would decrease by more than 13%;[21](#_heading=h.lnxbz9) the impact of a $10 federal minimum floor price for cigarettes could reduce the number of packs sold in the United States by 5.7 billion/year and prompt 10  million smokers to quit; and that state-level minimum price floor laws designed to raise the average price of cigarette packs by $2.00 could decrease cigarette consumption by 15.9% and reduce income-based smoking disparities more than a comparable excise tax increase. [22](#_heading=h.35nkun2)
 | * Currently there is no minimum price set for tobacco products in the City of Sebastopol.
* The County minimum price was set in 2016 and best practices are now higher at $10.
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| 1. Minimum pack size

**(Section 8.06.060E)** | Set a minimum pack size of 5 for little cigars & 2 for cigars. | 3 jurisdictions in Sonoma County: Cloverdale, City of Sonoma, & Windsor have minimum of 5 per pack.Alameda County has minimum of 20 per pack.  | * Many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.[23](#_heading=h.1ksv4uv) For example:
	+ 87.4% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than $1.00; [24](#_heading=h.44sinio)
	+ From 1995 to 2008, annual sales of cigarillos increased by 255%, and sales of little cigars increased by 316%; [25](#_heading=h.2jxsxqh)
 | * According to the FDA loosie cigarettes were made illegal as they are more likely to be sold to children.32
* Per HHS Flavored little cigars: Of middle and high school students who used tobacco products in 2014, more than 60 percent smoked flavored little cigars. 36
* Current trend, Alameda County minimum is 20, mirroring cigarettes.
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| 1. Tobacco Free Pharmacies

**(Section 8.06.070C)** | Prohibit tobacco sales in locations with pharmacies. | As of June 202042 jurisdictions statewide, 3 Sonoma County: Cloverdale, County of Sonoma, and Healdsburg | * By selling tobacco products, pharmacies reinforce positive social perceptions of smoking, convey tacit approval of tobacco use, and send a message that it is not so dangerous to smoke. 6,7
* Pharmacies sell cigarettes cheaper than other stores.8
* Tobacco-free pharmacy sales policies decrease the availability of tobacco products by reducing tobacco retailer density by up to three times compared with communities that do not have such policies[.9](#_heading=h.z337ya)
* Immediately after the nationwide CVS policy change to not sell tobacco products, cigarette purchases declined and smokers who had previously purchased their cigarettes exclusively at CVS were up to twice as likely to stop buying cigarettes entirely. 10
 | * The purpose of pharmacies is to provide medications and resources for health. Selling tobacco products is antithetical to this mission.
* Sebastopol has two pharmacies selling tobacco products.
* CVS Pharmacy opened without tobacco products in 2017.
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| 1. Proximity to youth oriented-areas

**(Section 8.06.070D)** | Not allow **new** tobacco retailers within 1000 ft of a preschool, elementary, middle or high school nor a public park.*Provision does not affect current retailers.* | 2 in Sonoma County: Windsor & County of Sonoma | * The density of tobacco retailers near schools has been associated with increased youth smoking rates. 30
* Tobacco companies make extensive use of the retail environment to reach both current and future customers by advertising and promoting their products and normalizing the presence of tobacco products in everyday life. 37,38
* Point-of-sale (POS) tobacco marketing, includes product displays and placement, exterior and interior advertisements, and promotional and price incentives to consumers. 39, 40
 | * Currently, there is no rule in Sebastopol that prohibits tobacco retailing near K-12 schools or other youth sensitive locations like the skate park.
* Youth are exposed to tobacco advertising, including storefront advertising and at the point of sale
* This is a simple regulation that has been found to yield great results in reducing marketing to youth. It is an attractive nuisance encouraging tobacco use to kids on their way to and from school.
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| 1. Significant Tobacco Retailers (STR)

**(Section 8.06.070E)** | Not allow licenses to new retailers who would sell 50% of more of inventory as tobacco products. | 3 in Sonoma County: Windsor, County of Sonoma, and City of Sonoma | * 2019 Statewide Young Adult Tobacco Purchase Survey results indicate a sales rate of 17.9% to youth. Tobacco stores/smoke shops, otherwise known as significant tobacco retailers, had a sale rate of 30.6% to youth and young adults.31
 | * City of Sebastopol has one STR.
* Sebastopol planning commission in May 2020 reviewed an application for a STR. Without a policy more STRs can establish business.
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| 1. Density Limit

**(Section 8.060.070F)** | No new tobacco retailers until density limit is reached. Tobacco retailers operating lawfully at time of passage would be eligible to receive a license. | County of Sonoma, City of Sonoma, & Windsor. Documentation on CA is unavailable though this is known to be a common provision. | * Retailer density is an important predictor of youth and young adult smoking. This is unsurprising since, as youth are especially susceptible to POS marketing. As the number of tobacco retailers increase, so does exposure to tobacco advertising and promotion.41
* Experimental smoking among youth is correlated with the number of tobacco retailers in high school neighborhoods and in communities where youth live.37
* Adults who smoke have a harder time quitting when residential proximity to tobacco retailers is closer and density is higher. 1,2
* Policies to reduce tobacco retailer density have been shown to be effective and may reduce or eliminate inequities in the location and distribution of tobacco retailers. 3,4,5
 | * Sebastopol currently has 1 retailer per 338 people (2014 population data), the County Unincorporated Tobacco Retail License policy sets the limit at 1 retailer per 2,000 people.
* Reducing access and availability is a proven strategy to counter tobacco/vaping industry marketing.
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| 1. Non-transferability of license

**(Section 8.060.120)** | Not allow retailers to transfer their tobacco retail license upon sale of the business. | 4 Sonoma County: Healdsburg, County of Sonoma, City of Sonoma, & Windsor |

*\*Information as of May 2020—ordinance language varies between jurisdictions*

Sources:

1. Reitzel LR, Cromley EK, Li Y, et al. The effect of tobacco outlet density and proximity on smoking cessation. *Am J Public Health.* 2011;101(2):315-320. doi: 10.2105/AJPH.2010.191676.
2. Cantrell J, Anesetti-Rothermel A, Pearson JL, Xiao H, Vallone D, Kirchner TR. The impact of the tobacco retail outlet environment on adult cessation and differences by neighborhood poverty. *Addiction.* 2015;110(1):152-161. doi: 10.1111/add.12718.
3. Ribisl KM, Luke DA, Bohannon DL, Sorg AA, Moreland-Russell S. Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools. *Nicotine Tob Res.* 2017;19(2):239-244. doi: 10.1093/ntr/ntw185.
4. Myers AE, Hall MG, Isgett LF, Ribisl KM. A comparison of three policy approaches for tobacco retailer reduction. *Prev Med.* 2015;74:67-73. doi: 10.1016/j.ypmed.2015.01.025.
5. Luke DA, Hammond RA, Combs T, et al. Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *Am J Public Health.* 2017;107(5):740-746. doi: 10.2105/AJPH.2017.303685.
6. Katz MH. Banning tobacco sales in pharmacies: the right prescription. *JAMA.* 2008;300(12):1451-1453. doi: 10.1001/jama.300.12.1451.
7. Hudmon KS, Fenlon CM, Corelli RL, Prokhorov AV, Schroeder SA. Tobacco sales in pharmacies: time to quit. *Tob Control.* 2006;15(1):35-38. doi: 10.1136/tc.2005.012278.
8. Henriksen L, Schleicher NC, Barker DC, Liu Y, Chaloupka FJ. Prices for Tobacco and Nontobacco Products in Pharmacies Versus Other Stores: Results From Retail Marketing Surveillance in California and in the United States. *Am J Public Health.* 2016;106(10):1858-1864. doi: 10.2105/AJPH.2016.303306.
9. Jin Y, Lu B, Klein EG, Berman M, Foraker RE, Ferketich AK. Tobacco-Free Pharmacy Laws and Trends in Tobacco Retailer Density in California and Massachusetts. *Am J Public Health.* 2016;106(4):679- 685. doi: 10.2105/AJPH.2015.303040.
10. Polinski JM, Howell B, Gagnon MA, Kymes SM, Brennan TA, Shrank WH. Impact of CVS Pharmacy's Discontinuance of Tobacco Sales on Cigarette Purchasing (2012-2014). *Am J Public Health.* 2017;107(4):556-562. doi: 10.2105/AJPH.2016.303612.
11. U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: [https://www.surgeongeneral.gov/library/reports/50- years-of-progress/full-report.pdf.](https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf)
12. Institute of Medicine. *Ending the Tobacco Problem: A Blueprint for the Nation.* Washington, DC. 2007. Available at: [https://www.nap.edu/catalog/11795/ending- the-tobacco-problem-a-blueprint-for-the-nation.](https://www.nap.edu/catalog/11795/ending-the-tobacco-problem-a-blueprint-for-the-nation)
13. Community Preventive Services Task Force. *Reducing Tobacco Use and Secondhand Smoke Exposure: Interventions to Increase the Unit Price for Tobacco Products.* 2012. Available at: [https://www.thecommunityguide.org/sites/default/files/as sets/Tobacco-Increasing-Unit-Price.pdf.](https://www.thecommunityguide.org/sites/default/files/assets/Tobacco-Increasing-Unit-Price.pdf)
14. Centers for Disease Control and Prevention. State Cigarette Minimum Price Laws—United States, 2009. *MMWR Morb Mortal Wkly Rep.* 2010;59(13):389-392.
15. Chaloupka FJ, Cummings KM, Morley C, Horan J. Tax, price and cigarette smoking: evidence from the tobacco documents and implications for tobacco company marketing strategies. *Tob Control.* 2002;11(Supplement 1):i62-i72. doi: 10.1136/tc.11.suppl\_1.i62.
16. Chaloupka FJ, Yurekli A, Fong GT. Tobacco taxes as a tobacco control strategy. *Tob Control.* 2012;21(2):172- 180. doi: 10.1136/tobaccocontrol-2011-050417.
17. Huang J, Gwarnicki C, Xu X, Caraballo RS, Wada R, Chaloupka FJ. A comprehensive examination of own- and cross-price elasticities of tobacco and nicotine replacement products in the U.S. *Prev Med.* 2018. doi: 10.1016/j.ypmed.2018.04.024.
18. Pesko MF, Huang J, Johnston LD, Chaloupka FJ. E- cigarette price sensitivity among middle- and high- school students: evidence from monitoring the future. *Addiction.* 2018;113(5):896-906. doi: 10.1111/add.14119.
19. Jawad M, Lee JT, Glantz S, Millett C. Price elasticity of demand of non-cigarette tobacco products: a systematic review and meta-analysis. *Tob Control.* 2018. doi: 10.1136/tobaccocontrol-2017-054056.
20. Community Preventive Services Task Force. *Reducing Tobacco Use and Secondhand Smoke Exposure: Interventions to Increase the Unit Price for Tobacco Products.* 2012. Available at: [https://www.thecommunityguide.org/sites/default/files/as sets/Tobacco-Increasing-Unit-Price.pdf.](https://www.thecommunityguide.org/sites/default/files/assets/Tobacco-Increasing-Unit-Price.pdf)
21. Slater SJ, Chaloupka FJ, Wakefield M, Johnston LD, O'Malley PM. The impact of retail cigarette marketing practices on youth smoking uptake. *Arch Pediatr Adolesc Med.* 2007;161(5):440-445. doi:
22. Golden SD, Farrelly MC, Luke DA, Ribisl KM. Comparing projected impacts of cigarette floor price and excise tax policies on socioeconomic disparities in smoking. *Tob Control.* 2016;25(Suppl 1):i60-i66. doi:
23. California Department of Public Health California Tobacco Control Program. *Tobacco in the Retail Environment.* 2012. Available at: [https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/C TCB/CDPH%20Document%20Library/ResearchandEval uation/FactsandFigures/TobaccoRetailEnvironmentFactS heetEasyPrint.pdf.](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/TobaccoRetailEnvironmentFactSheetEasyPrint.pdf)
24. California Department of Public Health California Tobacco Control Program. *2016 Healthy Stores for a Healthy Community Survey Results-all counties.* 2016. Available at: [http://healthystoreshealthycommunity.com/media- center/?campaign.](http://healthystoreshealthycommunity.com/media-center/?campaign)
25. Cullen J, Mowery P, Delnevo C, et al. Seven-year patterns in US cigar use epidemiology among young adults aged 18-25 years: a focus on race/ethnicity and brand. *Am J Public Health.* 2011;101(10):1955-1962. doi: 10.2105/AJPH.2011.300209.
26. Federal Trade Commission. *Cigarette Report for 2016.* 2018. Available at: [https://www.ftc.gov/system/files/documents/reports/fede ral-trade-commission-cigarette-report-2016-federal- trade-commission-smokeless-tobacco- report/ftc\_cigarette\_report\_for\_2016\_0.pdf.](https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2016-federal-trade-commission-smokeless-tobacco-report/ftc_cigarette_report_for_2016_0.pdf)
27. Xu X, Pesko MF, Tynan MA, Gerzoff RB, Malarcher AM, Pechacek TF. Cigarette price-minimization strategies by U.S. smokers. *Am J Prev Med.* 2013;44(5):472-476. doi: 10.1016/j.amepre.2013.01.019.
28. Truth Initiative, <https://truthinitiative.org/research-resources/emerging-tobacco-products/where-are-kids-getting-juul>, May 2018.
29. Farley SM, Johns M. New York City flavoured tobacco product sales ban evaluation. *Tob Control.* 2017;26(1):78-84. doi: 10.1136/tobaccocontrol-2015- 052418.
30. Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP. Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools? *Prev Med.* 2008;47(2):210-214. doi: 10.1016/j.ypmed.2008.04.008.
31. Young Adult Tobacco Purchase Survey, 2019. Prepared by: California Department of Public Health, California Tobacco Control Program on August 19, 2019.
32. Federal Drug Administration, Center for Tobacco Products, Protect Your Community- Don’t Sell Loosies, March 2019, <https://www.fda.gov/media/128276/download>
33. Office of Governor Newsom, E-cigarette executive order, September 16, 2019, <https://tobaccofreeca.com/e-cigarettes/governor-gavin-newsom-signs-executive-order-to-confront-youth-vaping-epidemic/>
34. Truth Initiative, Tobacco Use in California, <https://truthinitiative.org/research-resources/smoking-region/tobacco-use-california-2019>
35. FDA, 2018 NYTS Data: A Startling Rise in Youth E-cigarette Use, <https://www.fda.gov/tobacco-products/youth-and-tobacco/2018-nyts-data-startling-rise-youth-e-cigarette-use#:~:text=From%202017%20to%202018%2C%20current,using%20e%2Dcigarettes%20in%202018.>
36. Corey, C. G., Ambrose, B. K., Apelberg, B. J. & King, B. A. (2015). Flavored tobacco product use among middle and high school students – United States, 2014. *Morbidity and Mortality Weekly Report, 64*(38), 1066-1070. Retrieved from: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6438a2.htm>.
37. U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2012.
38. Federal Trade Commission. Federal Trade Commission Cigarette Report for 2014. Retrieved from https://www.ftc.gov/system/files/ documents/reports/federal-trade-commission-cigarette-report-2014-federal-trade-commission-smokeless-tobacco-report/ftc\_ cigarette\_report\_2014.pdf. 2016.
39. Lavack AM, Toth G. Tobacco point-of-purchase promotion: examining tobacco industry documents. Tobacco Control. 2006;15(5):377-384.
40. Bloom PN. Role of slotting fees and trade promotions in shaping how tobacco is marketed in retail stores. Tobacco Control. 2001;10(4):340- 344.
41. The Truth Initiative, The truth about tobacco industry retail practices, <https://truthinitiative.org/sites/default/files/media/files/2019/03/Point-of-Sale-10-2017.pdf>
42. FDA, <https://www.fda.gov/tobacco-products/products-ingredients-components/flavors-tobacco-products-what-are-potential-risks-and-benefits-public-health>