

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, AUGUST 16, 2022**

MINUTE ORDER NO. 3

**SUBJECT: TOBACCO RETAIL LICENSE PROGRAM UPDATE FOR FISCAL YEAR
2021-22 (DISTRICTS: ALL)**

OVERVIEW

The San Diego County Board of Supervisors (Board) has demonstrated a commitment to reducing the sale of tobacco products to minors and limiting the initiation of tobacco use. On October 15, 2019 (2), the Board directed the Chief Administrative Officer to return with recommendations to establish a tobacco retail licensing program within the unincorporated area of San Diego County, to strengthen enforcement of minimum age sale laws, and to facilitate compliance monitoring of retailers. Further, on December 8, 2020 (8), the Board adopted Ordinance No. 10699 (N.S.) entitled: AN ORDINANCE ADDING AND REPEALING PROVISIONS IN THE SAN DIEGO COUNTY CODE REGARDING THE SALE OF TOBACCO PRODUCTS IN THE UNINCORPORATED AREA OF SAN DIEGO COUNTY (Ordinance), which went into effect on July 1, 2021.

The Ordinance established the Tobacco Retail Licensing Program and mandates that retailers in the unincorporated region of San Diego County apply for and receive an annual Tobacco Retail License to sell tobacco products. It also includes tobacco pricing and packaging requirements, prohibits the sale of flavored tobacco products, and mandates certain operating requirements. Oversight of the Tobacco Retail Licensing Program including requirements established within the Ordinance is provided by the County of San Diego (County) Health and Human Services Agency, Public Health Services, Tobacco Control Resource Program.

On October 27, 2020 (4), the Board directed the Chief Administrative Officer to return in one year with an evaluation of the Tobacco Retail Licensing Program for consideration of potential modifications. In October 2021, a Tobacco Retail Licensing Program update was provided to the Board, reflecting progress, challenges faced, key discoveries made, and planned future actions.

Today's actions request the Board receive an update on the Tobacco Retail Licensing Program for Fiscal Year 2021-22, including the proposed evaluation plan, and authorize a report to the Board within 12 months for further updates. Additionally, today's action requests the Board authorize the Agency Director, Health, and Human Services Agency, to apply for additional funding opportunities to support tobacco prevention and control projects in San Diego County.

Today's actions support the County's vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County that have been historically left behind as well as our ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities. This will be accomplished by aligning services, activities, and policies in support of ending the commercial tobacco epidemic and ensuring all residents have access to the resources they need.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Receive an update for the Tobacco Retail Licensing Program for Fiscal Year 2021-22 and the Evaluation Plan.
2. Direct the Chief Administrative Officer to report back within 12 months with a Tobacco Retail Licensing Program update.
3. Authorize the Agency Director, Health and Human Services Agency, to apply for additional funding opportunities, if available, to support tobacco prevention and control activities in San Diego County.

EQUITY IMPACT STATEMENT

The initiation of tobacco use in youth and early adulthood is a longstanding problem and has been identified as a major factor in long-term adult tobacco use. Despite California's efforts to limit youth access to tobacco, youth and young adults under age 21 are still able to easily access tobacco products. During the February 2020 Young Adult Tobacco Purchase Survey, conducted with tobacco retailers in the unincorporated area of San Diego County, 19.7% of stores surveyed (or approximately 1 in 5) sold tobacco products to underage investigators. Implementing a tobacco retail licensing policy is an evidence-based practice that can reduce underage tobacco sales. The Tobacco Retail License Ordinance is intended to help reduce tobacco use initiation, foster health equity, and reduce access to nicotine and tobacco through improved compliance with current laws and regulations. The work of the Tobacco Retail Licensing Program helps to support these efforts. Ultimately, the Tobacco Retail Licensing Program will help advance the goal of tobacco-free living by countering the tobacco industry's targeting of the region's most vulnerable communities including youth, communities of color, and low-income communities.

FISCAL IMPACT

There is no fiscal impact associated with today's actions. Future related recommendations may have fiscal impacts, upon which staff will return to the San Diego County Board of Supervisors for consideration and approval. There is no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter