



COUNTY OF HUMBOLDT

For the meeting of: 5/21/2024

File #: 24-863

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:

Introduction of an Ordinance of the Board of Supervisors, County of Humboldt, State of California Amending Ordinance No. 2718 Comprehensive Tobacco Retailer Licensing Ordinance (Ordinance No. 2718)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the Ordinance Amending Sections 817-4 and 817-19 of Chapter 7 of Title VII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers and waive the first reading; and
2. Set the Amendment to Ordinance No. 2718 for adoption on June 7, 2024, to take effect and be in force thirty (30) days from the date of its adoption; and
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the ordinance; and
4. Direct the Clerk of the Board of Supervisors to post a certified copy of the full text of the ordinance in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the ordinance will be adopted [Government Code Section 25124(b)(1)]; and
5. Direct the Clerk of the Board of Supervisors to publish a post-adoption summary of the ordinance within fifteen (15) days after the adoption of ordinance with names of Supervisors voting for a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance [Government Code Section 25124(b)(1)].

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities

Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

DISCUSSION:

On December 21, 2022, the State of California enacted SB 793 in response to the rising epidemic of youth usage of flavored tobacco products; the targeted marketing of certain flavored tobacco products to communities of color, low-income individuals, and the LGBTQ community; and the aggressive marketing of menthol-flavored products to African American community members.

On August 16, 2022, the Board of Supervisors requested Department of Health and Human Services (DHHS) - Public Health to draft a Tobacco Retail Licensing Ordinance.

On May 23, 2023, the Board of Supervisors introduced Ordinance No. 2718 and the Ordinance was adopted on July 11, 2023.

On December 12, 2023, the Board of Supervisors voted to adopt the Fiscal Year (FY) 2023-2024 Humboldt County Schedule of Fees and Charges for permits and services, which included Tobacco Retail Licenses.

On February 27, 2024, the Board of Supervisors and DHHS-Public Health discussed possible revisions to the following sections of Ordinance No. 2718 Section 817-4 Tobacco Product Pricing, Placement, and Packaging:

1. Subdivision (d) Prohibition of Tobacco Coupons and Discounts: (3) provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.
2. Subdivision (e) Placement of Tobacco Products: Tobacco products or advertisements relating to tobacco shall not be placed or displayed within five (5) feet of candy, snacks, nor nonalcoholic beverages.

DHHS - Public Health brings forth the Amendment to Ordinance No. 2718 to update the language in section 817-4 Tobacco Product Pricing, Placement, and Packing, removing the five (5) foot language and replacing it with language around tobacco products either being behind a counter or in a locked case. DHHS - Public Health also updates section 817-19 Exceptions to include new language regarding exceptions to the Coupons and Discounts of tobacco products.

Enacting this Amendment to Ordinance No. 2718 will not unduly burden the legitimate business activities of retailers who sell tobacco products to adults. It is the intent of Ordinance No. 2718 is to ensure compliance with the business standards and practices of the county, encourage responsible tobacco retailing, and discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco products to youth.

SOURCE OF FUNDING:

Public Health Fund (1175) Hazardous Material Program (411) Tobacco Retail Licenses (206030)

FINANCIAL IMPACT:

| <i>Expenditures (1175-411, 206030)</i> | FY23-24 | FY24-25 Projected* | FY25-26 Projected* |
|--|--------------------|---------------------------|---------------------------|
| <i>Budgeted Expenses</i> | <u>\$55,837.00</u> | <u>\$55,837.00</u> | <u>\$55,837.00</u> |
| <i>Total Expenditures</i> | <u>\$55,837.00</u> | <u>\$55,837.00</u> | <u>\$55,837.00</u> |
| | | | |

**Projected amounts are estimates and are subject to change.*

| <i>Funding Sources (1175-411, 206030)</i> | FY23-24 | FY24-25 Projected* | FY25-26 Projected* |
|---|--------------------|---------------------------|---------------------------|
| <i>State/Federal Funds</i> | <u>\$24,341.00</u> | <u>\$24,341.00</u> | <u>\$24,341.00</u> |
| <i>Fees/Other</i> | <u>\$31,496.00</u> | <u>\$31,496.00</u> | <u>\$31,496.00</u> |
| <i>Total Funding Sources</i> | <u>\$55,837.00</u> | <u>\$55,837.00</u> | <u>\$55,837.00</u> |

**Projected amounts are estimates and are subject to change.*

Narrative Explanation of Financial Impact:

Approval of Ordinance No. 2718 and approval of the Fiscal Year (FY) 2023-24 Humboldt County Schedule of Fees and Charges, authorizes DHHS - Public Health to collect fee revenue in Public Health Fund (1175) Hazardous Materials Program (411) Tobacco Retail Licenses (206030). The Amendment to Ordinance No. 2718 introduced to the Board of Supervisors today does not impact the current Fiscal Year (FY) budget, including the FY 2024-25 proposed budget. Annual revenue is anticipated on the Fee Schedule.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:
Fee revenue will help maintain current staffing levels.

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could reject the Amendment to Ordinance No. 2718.

ATTACHMENTS:

1. Board of Supervisors, County of Humboldt, State of California Ordinance No. 2718
2. Proposed Amendment to Ordinance No. 2718
3. Hazardous Materials Program Fiscal Year (FY) 2023-2024 Fee Schedule
4. Bill Text SB 793 Flavored Tobacco Products
5. Pre-Adoption Summary
6. Post-Adoption Summary

PREVIOUS ACTION/REFERRAL:

Meeting of: 08/16/22, 05/23/23, 07/11/23, 12/12/23, 02/27/23

File No.: 22-991, 23-577, 23-1011, 23-1559, 24-181