



COUNTY OF HUMBOLDT

For the meeting of: 5/23/2023

File #: 23-577

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Departmental

Vote Requirement: 4/5th

SUBJECT:

Introduction of Comprehensive Tobacco Retailer Licensing Ordinance Adding Chapter 7 to Title VIII, Division 1 of the County Code (4/5th Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached Ordinance (Comprehensive Tobacco Retailer Licensing Ordinance; An Ordinance of the Board of Supervisors of the County of Humboldt Adding Chapter 7 to Title VII, Division 1 of the County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers) and waive the first reading;
2. Set the Ordinance for adoption on July 1, 2023, to take effect and be in force 30 days from the date of its adoption;
3. Discuss the attached draft fee schedule for Department of Health and Human Services - Public Health Fund 1175, Budget Unit 411, to be brought back to your Board through a future public hearing;
4. Direct the Clerk of the Board to publish the required pre-adoption summary of the Ordinance to be done at least 5 days prior to the date set for adoption; and
5. Direct the Clerk of the Board within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, in a newspaper of general circulation published in the County of Humboldt, State of California.

SOURCE OF FUNDING:

Public Health Fund (1175), Budget Unit (411), Tobacco Retail Licensing Fees

DISCUSSION:

Tobacco use is the number one cause of preventable death in California and continues to be an urgent public health issue. The State of California enacted SB 793 which took effect on Dec. 21, 2022, 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. The provisions within SB 793 do not preempt or prohibit the adoption of local standards, which would give greater local control over the sale of tobacco products in Humboldt County than the provisions of this bill.

In California, 219 cities and counties have passed tobacco retailer licensing ordinances to stop youth from using tobacco. In Humboldt County, smoking and lung cancer rates exceed those of the state. The high density of tobacco retailers is linked to high availability of tobacco products, increased smoking, and increased tobacco-related disease and death. A January 2022 survey of 37 tobacco retailers in county unincorporated areas revealed 54% sold tobacco to an underage youth as defined as someone under the current legal purchasing age of 21 years of age. Sixty percent of Humboldt ninth graders and 67% of 11th graders report it is “fairly” or “very” easy to obtain vape (e-cigarette) products.

Humboldt County Department of Health and Human Services - Public Health Branch (DHHS-PH), Healthy Communities and WIC Division is engaged in policy work to reduce exposure to secondhand smoke and reduce the availability of tobacco, especially among youth under 21 years of age. On Aug. 16, 2022, the Humboldt County Board of Supervisors received a report from DHHS-PH and authorized staff to draft a Tobacco Retail Licensing ordinance to be considered by the Board at a later date. DHHS -PH has drafted the attached Ordinance regulating tobacco product sales and requiring licensure of tobacco retailers.

Enacting the Ordinance will not unduly burden the legitimate business activities of retailers who sell tobacco products to adults. It is the intent of the Ordinance 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.

FINANCIAL IMPACT:

Expenditures (Fund, Budget Unit)	FY22-23 Adopted	FY23-24 Projected	FY24-25 Projected
Budgeted Expenses	\$0	\$55,837	\$55,837
Total Expenditures	\$0	\$55,837	\$55,837
Funding Sources (Fund, Budget Unit)	FY22-23 Adopted	FY23-24 Projected*	FY24-25 Projected*
State/Federal Funds	\$0	\$24,341	\$24,341
Fees/Other	\$0	\$31,496	\$31,496
Total Funding Sources	\$0	\$55,837	\$55,837

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

Narrative Explanation of Financial Impact:

Approval of the attached ordinance will not authorize to collect the attached fees. If the ordinance is adopted, DHHS-Public Health will return to your Board through a public hearing to approve and adopt

the associated fees. Should the fees be approved at that time, DHHS-Public Health would then be able to begin collecting those fees, 30 days after the public hearing in fund 1175, budget unit 411-Hazardous Material Program. Annual revenue is anticipated to \$55,837 based on the attached fees.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

Fee revenue will help maintain current staffing levels in the environmental health division.

STRATEGIC FRAMEWORK:

The Ordinance supports the Board's Strategic Framework Core Roles by protecting vulnerable populations, enforcing laws and regulations to protect residents, and creating opportunities for improved safety and health. The Ordinance also supports the Board's Priorities for New Initiatives, by facilitating the establishment of local revenue sources to address local needs and facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to pursue a tobacco retail licensing ordinance, which we anticipate would result in youth continuing to access tobacco in the retail environment and a projected increase in tobacco-related morbidity and mortality.

ATTACHMENTS:

1. Action Summary 8.16.22
2. Departmental Agenda Item 8.16.22 - Tobacco Retail Licensing
3. Humboldt County Tobacco Retail License Ordinance
4. 411 Hazardous Materials Program - FY23-24 TRL Fees 4-25-23
5. Pre-Adoption Summary
6. Post-Adoption Summary

PREVIOUS ACTION/REFERRAL:

Board Order No.: H-2
Meeting of: 08/16/2022
File No.: 22-991