



OFFICE OF THE CITY ATTORNEY

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Long Beach, CA 90802
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ORD-17

DAWN MCINTOSH
City Attorney

GARY J. ANDERSON
Assistant City Attorney

March 14, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending the Long Beach Municipal Code by repealing Section 5.81.070(F) related to prohibiting the sale of flavored tobacco products, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

This office has prepared and submits the above described Ordinance for your consideration.

Effective January 1, 2023, Senate Bill 793 (SB 973) imposed a statewide ban on the sale of most flavored tobacco products. By its own terms, Long Beach Municipal Code section (LBMC) 5.81.070(F) became inoperative and was repealed once SB 973's Statewide prohibition on the sale of flavored tobacco products took effect on January 1, 2023. For this reason, this Ordinance formally repeals said section from the Municipal Code.

Long Beach Health and Human Services will enforce the Statewide flavored tobacco ban through its Tobacco Retail Enforcement Program. Under LBMC Ch. 5.81, a violation of any federal, state, or local tobacco control law may result in a suspension or revocation of the businesses' tobacco retail permit.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

DAWN MCINTOSH, City Attorney

A handwritten signature in black ink, appearing to read 'DMC', with a stylized flourish at the end.

By

Taylor M. Anderson
Deputy City Attorney

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY REPEALING SECTION 5.81.070(F), RELATING TO A PROHIBITION ON THE SALE OF FLAVORED TOBACCO PRODUCTS

WHEREAS, effective January 1, 2023, Senate Bill 793 (SB 973) imposed a statewide ban on the sale of most flavored tobacco products; and

WHEREAS, by its own terms, Long Beach Municipal Code section 5.81.070(F) become inoperative and was repealed on the effective date of SB 973's Statewide prohibition on the sale of flavored tobacco products; and

WHEREAS, as Long Beach Municipal Code Section 5.81.070(F) became inoperative and was repealed once SB 973's Statewide prohibition on the sale of flavored tobacco products took effect on January 1, 2023, this Ordinance formally repeals said section from the Municipal Code;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 5.81.070(F) of the Long Beach Municipal Code is hereby repealed.

Section 2. The City Clerk shall certify to the passage of this ordinance by City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2023, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____

(Date)

Mayor