



# CITY OF LONG BEACH

# C-5

PUBLIC SAFETY ADVISORY COMMISSION

333 West Ocean Boulevard • Long Beach, California 90802

September 19, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

The Public Safety Advisory Commission recommends to the City Council that a comprehensive and cost-effective Tobacco Retail Permit Program be adopted for all businesses in the City of Long Beach that sell tobacco products to prevent illegal tobacco sales to underage youth in the City of Long Beach.

## BACKGROUND

At the January 24, 2006 meeting, the Long Beach City Council received a presentation by the Coalition for a Smoke Free Long Beach on Youth Access to Tobacco. The presentation detailed a recent study conducted by the City of Long Beach Health Department, supported by the Social Science Research Center at CSUF, which revealed that Long Beach had a 36.1% rate of illegal tobacco sales to underage youth throughout all nine City Council Districts. The study was conducted from December 2004 through January 2005. During that same time, the statewide rate of illegal tobacco was 14%. The City Council unanimously referred the issue to the Public Safety Advisory Commission for further study. The PSAC review of the illegal sales issue began at the February 8, 2006 meeting and continued through the May 10, 2006 meeting. The following is a list of presentations and reports received by PSAC in the intervening months.

### List of Presentations to the Public Safety Advisory Commission

- City of Long Beach, Tobacco Education Program
- Coalition for a Smoke Free Long Beach
- City of Los Angeles, Tobacco Enforcement Program
- California Grocers Association

### List of Hard Copy Presentations Reviewed:

- City of Long Beach, Youth Purchase Survey Results Report 2004-2005
- City of Los Angeles, Tobacco Enforcement Program
- Illegal Sales of Tobacco to Youth in Long Beach 2006 Fact Sheet
- Why Long Beach Needs a Tobacco Retailer Permit Fact Sheet
- The Center for Tobacco Policy & Organizing, "Tobacco Retailer Licensing is Effective" March 2006
- Coalition for a Smoke Free Long Beach Mission Statement

## DISCUSSION

The following provides summary highlights of the PSAC review:

### Harmful Effects of Tobacco on Youth

- In the United States, over 90% of smokers started before the age of 18.
- Everyday more than 3,000 American children smoke their first cigarette.
- Smoking among youth can hamper the rate of lung growth and the level of maximum lung function.
- Changes in the brain occur after one exposure to nicotine.
- The earlier children start to smoke, the harder it is for them to quit.

(Multiple Sources for above data include: U.S. Centers for Disease Control and Prevention, 2004, 2002; California EPA, American Journal of Public Health, Campaign for Tobacco Free Kids: [www.tobaccofreekids.org](http://www.tobaccofreekids.org) and <http://www.cdc.gov/tobacco/datahighlights/index/htm>)

### Tobacco Youth Purchase Survey

- Youth continue to have easy access to tobacco products in Long Beach.
- The City of Long Beach Health Department, Tobacco Education Program supported by the Social Science Research Center at CSUF conducted a study to determine the rate of illegal sales to minors within the City of Long Beach between December 2004 and January 2005.
- Of the 266 stores that were surveyed, 96 stores sold to minors, or 36.1%

City Council District	Number of Tobacco Retailers Surveyed	Number of Illegal Sales to Youth	Percent of Illegal Sales to Youth
1	37	13	35.1%
2	39	15	38.5%
3	29	5	17.2%
4	27	9	33.3%
5	24	12	50.0%
6	32	12	37.5%
7	26	9	34.6%
8	27	10	37.0%
9	25	11	44.0%
<i>Total</i>	266	96	36.1%

- During that same time, the state-wide rate of illegal tobacco sales was 14%--less than half of the Long Beach rate of sales.

State Tobacco Laws

- California Penal Code 308(a) restricts the sale of tobacco products to minors under the age of 18. Penal Code 308 has been in affect for over 100 years. Under PC 308, any clerk caught selling tobacco to a minor will be fined a minimum of \$100. PC 308(a) does not hold the store/store owner accountable for illegal tobacco sales to youth.
- The California Cigarette and Tobacco Products Licensing Act of 2003 requires all tobacco retailers to obtain a license from the State of California Board of Equalization. It requires tobacco retailers to pay a one-time registration fee and was passed to counter the untaxed sale and distribution of tobacco products.
- The Stop Tobacco Access to Kids Enforcement (S.T.A.K.E.) Act of the California Business and Professions Code Sections 22958,22952(f) 22957, prohibits the sale, distribution of tobacco to minors, requires signage posting, ID check requirements for retailers, prohibits self services sales of tobacco products, and prohibits sales of single cigarettes or bidis.

Tobacco Retail Permit Programs Reduce Illegal Sales to Minors:

In recent years other jurisdictions have chosen to deal with the youth access issue by implementing a comprehensive tobacco retailer license or permit program. This type of program has been shown to effectively reduce the rate of illegal sales of tobacco to underage youth. The following is a list of some of these jurisdictions.

Berkeley

\$300 annual fee

Adopted December 2002

**Rates dropped from 38% to 14%**

Contra Costa County

\$160 annual fee

Adopted January 2003

**Rates dropped from 37% to 7%**

Elk Grove

\$270 annual fee

Adopted September 2004

**Rates dropped from 17% to 10%**

Pasadena

\$135 annual fee

Adopted January 2004

**Rates dropped from 19% to 5%**

City of Sacramento

\$300 annual fee

Adopted March 2004

**Rates dropped from 27% to 7%**

Sacramento County

\$287 annual fee

Adopted May 2004

**Rates dropped from 20.6% to 10.6%**

City of San Luis Obispo

\$255 annual fee

Adopted August 2003

**Rates dropped from 17% to 2%**

Summary of Public Safety Advisory Commission Meetings:

**February 8, 2006**

*At the February 8<sup>th</sup> meeting, the Public Safety Advisory Commission requested a presentation by the City of Los Angeles Tobacco Enforcement Program so they could learn about how a Tobacco Retail License or Permit program works.*

**March 8, 2006**

*At the March 8<sup>th</sup> meeting, the Public Safety Advisory Commission heard two reports from: The Coalition for a Smoke Free Long Beach and The City of Los Angeles Tobacco Enforcement Program.*

Coalition for a Smoke Free Long Beach Presenters:

Carmenanne Tolksdorf, Co-Chair, Coalition for a Smoke Free Long Beach  
Youth members of the Coalition for a Smoke Free Long Beach

The Coalition for a Smoke Free Long Beach presented its position in support of a local Tobacco Retail Permit Program in Long Beach to protect the health and safety of children and youth from the harmful effects of tobacco products.

- Tobacco retailers have been educated about local and state tobacco laws since 1998 by the Department of Health Services, The Coalition for a Smoke Free Long Beach, and local community based organizations in all 9 City Council Districts.
- Despite these city-wide efforts, illegal tobacco sales to minors continues to be a problem in Long Beach.
- The Long Beach Police Department Tobacco Decoy Program conducts bi-annual visits to local tobacco retailers. Illegal sales rates to minors varied from no illegal sales in April 2004, to between 6.4% and to 31.3% from 2003 to 2006.
- More than 30 community based organizations in Long Beach have signed an endorsement in favor of a Long Beach Tobacco Retail Permit Program, including the City of Long Beach Commission on Youth and Children.

Tobacco Enforcement Program Presenters:

Nora Manzanilla, Administrative Coordinator, Tobacco Enforcement Program  
Deborah Sanchez, Supervising Attorney, Tobacco Enforcement Program

Details of the City of Los Angeles Tobacco Enforcement Program:

- The City of Los Angeles Tobacco Enforcement Program requires all tobacco retailers within the City of Los Angeles to obtain a local permit and pay an annual fee.

- The Tobacco Enforcement Program was initially established in 2000 without charging a fee for the license. The goal of the program was to establish a list of tobacco retailers within the City of Los Angeles, including non-traditional tobacco outlets, such as donut shops.
- In 2003, a survey found that 44.3% of all tobacco sales occurred within one thousand feet of a school, thus increasing access to tobacco products by children.
- In October 2005, the Los Angeles City Council implemented a licensure fee of \$208 per tobacco retail outlet to fund the ongoing enforcement of the Tobacco Enforcement Program.

**May 10, 2006**

*At the May 10, 2006 meeting, the Public Safety Advisory Commission received a presentation from the California Grocers Association and heard public testimony from members of the Coalition for a Smoke Free Long Beach.*

California Grocers Association presenter:

Jennifer Forkish, Director of Local Government Relations

Details of the California Grocers Association:

- The California Grocers Association is a statewide trade association of grocery stores. They have 500 members. However, not all grocery stores are members of the organization
- Best practice methods include an in-store component and an employee training component on tobacco related laws
- In-store component includes:
  - Checking for identification—some registers will lock until the date of birth is entered
  - Signage—advises customers and employees that selling to minors is illegal
  - Product Placement—all tobacco products must be behind the counter or locked in a cabinet
- Employee Training
  - Employees are required to go through a training program that certifies that they have been educated on the current tobacco laws.
- The California Grocers Association is not responsible for the implementation of these program at individual member grocery stores. Follow up of illegal tobacco sales by a member store is not regularly conducted by the California Grocers Association.
- If a local Tobacco Retail Permit Program is adopted in Long Beach, the CGA would like to be a part of the process.

Coalition for a Smoke Free Long Beach presenters:

Carmenanne Tolksdorf Co-Chair- Coalition for a Smoke Free Beach

Melinda Cotton - Coalition for a Smoke Free Long Beach- member

Seth Tolksdorf - Coalition for a Smoke Free Long Beach -youth member

Amanda Wade - Coalition for a Smoke Free Long Beach-youth member

Members expressed their concerns about the high rates of illegal sales of tobacco products to minors in Long Beach and ways to decrease youth tobacco access to tobacco products. They spoke in support of the adoption of a local Tobacco Retail Permit program in Long Beach.

In conclusion, the Public Safety Advisory Commission recommends to the Long Beach City Council that a comprehensive and cost-effective Tobacco Retail Permit Program be adopted for all businesses in the City of Long Beach that sell tobacco products.

Respectfully submitted,



ROBERT HILDEBRAND  
CHAIR, PUBLIC SAFETY ADVISORY COMMISSION