

## NEWS

# Santa Rosa approves ban on e-cigarette, flavored tobacco sales

**City officials say the new rules will give them more tools to tackle illicit sales but the approval came over objections from retailers and the mayor who said small businesses are unfairly targeted.**

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THE PRESS DEMOCRAT

**S**anta Rosa retailers that sell tobacco products will have to obtain a license and soon comply with a host of new rules limiting the sale of flavored products and vapes as city officials attempt to crack down on youth smoking.

The number of retailers in the city that can sell tobacco products also will be capped.

There are 118 retailers citywide that hold a state license to sell tobacco products and the majority are convenience stores and gas stations. Retailers that don't comply with the new rules could face fines or have their license revoked.

The rules come amid a widespread push by community groups and health leaders in the county and state to address health impacts of smoking among minors by making it harder for young people to buy products.

Santa Rosa was the largest city in Sonoma County without a local ordinance and city officials say the new rules will give the city more teeth to tackle illicit sales.

The Santa Rosa City Council approved the ordinance in a 4-1 vote, with Mayor Natalie Rogers voting against the measure, following a more than two-hour hearing on Tuesday.

The approval came over the objection of retailers, several who spoke during public comments about the impact the new regulations would have on their business, and amid concerns from Rogers that the ordinance didn't do enough to target online sales and instead would unfairly

target small business owners, many from minority communities.

"I'm looking at the retailers that are sitting before us and something about this does not seem very equitable and it seems like we're targeting certain businesses that are owned by certain people and I can't get behind that the way that it is," Rogers said during the meeting.

While she supported components of the ordinance, such as banning flavored tobacco products because those are marketed toward minors, she opposed other restrictions on the sale of all electronic smoking devices and said she'd like to see more education around the issue.

"I am the mother of eight and I am committed to the safety of our youth and a (tobacco retail license) ordinance I just can't get behind this one so I will not be supporting the ordinance the way it is written today," she said.

Under the ordinance, the number of retail licenses in the city would be capped at the lesser of 118 — the number of current retailers — or one retailer per 2,500 residents, or about 72 licenses. The number of licenses would gradually decrease as shops close, change hands or lose their license.

Other regulations include:

- Prohibiting the sale of flavored tobacco products.
- Banning the sale of any electronic tobacco smoking devices.
- Local retailers can't sell tobacco products online.
- Setting a minimum pack price of \$10 and prohibiting the use of coupons or discounts.
- No new retailers will be allowed within 600 feet of youth-oriented areas such as parks and schools.
- Transferring licenses is allowed between family members and companies with related shareholders. If the business is sold to a new owner, the new owner would have to apply for a new license and adhere to the 600-foot buffer.

The city will partner with Impact Sonoma — a tax-funded agency

housed in the Sonoma County Department of Health Services tasked with supporting tobacco prevention efforts — to conduct inspections. The city's code enforcement team would address infractions and issue fines or suspensions.

Violations of the ordinance would result in up to a \$600 fine and a 30-day suspension for the first infraction if issues aren't fixed following a reinspection and up to a \$4,000 fine for the fourth infraction in a five-year period. Retailers will lose their license after four or more violations.

Council member Eddie Alvarez, who owns a cannabis shop, recused himself from the vote and Council member Chris Rogers was absent.

The ordinance will return to the City Council at a future meeting for a second reading and will go into effect Jan. 1, if approved.

Seven of 10 jurisdictions in Sonoma County have local tobacco restrictions, including in the unincorporated county where the Board of Supervisors on May 14 approved an update to its existing tobacco retail license placing further restrictions on flavored tobacco sales.

California prohibited the sale of most flavored tobacco products in 2022 with some exceptions, such as flavored premium cigars, loose leaf pipe tobacco and shisha used in hookah products.

Assistant City Manager Jason Nutt said the city's ordinance seeks to close some of the loopholes in the state regulations and give the city more tools to address bad actors.

Some changes were made to the proposal first presented to the City Council during a November study session to ensure existing businesses can continue operating with minimal impacts, such as easing restrictions on transferring licenses between owners, he said.

Still, retailers who met with the city last week ahead of the vote and who spoke Tuesday took issue with a blanket ban on the sale of all electronic smoking devices, including ones currently authorized for sale by the U.S. Food and Drug Administration

and CBD products, and other components of the regulations.

They said the rules would affect revenue and push customers to purchase products in other cities or online.

Rohnert Park and Cotati are the only cities in the county without a local ordinance; and most of Mendocino County, except for Fort Bragg, and all jurisdictions in Marin County have local tobacco regulations.

Harman Dhillon, whose family owns a local shop, said it would unfairly target small businesses and not prevent minors from buying products online from Amazon or directly from manufacturers.

"If we're trying to stop youth from smoking and we're trying to cancel smoking, this is not the way," he said during public comments. He asked that the city hold off on moving forward with the new rules until the city engages more with affected businesses.

Rogers raised similar concerns.

"The (license) that is being proposed only drives consumers to other places outside of our community, specifically online sales, which are very easy to come by. I do not wish to run our retailers out of the city by imposing additional restrictions on them when our youth can buy products very easily and still have access," the mayor said. "This ordinance feels good but I'm not convinced that it will have the impact that we wish to have."

She said she favored stronger enforcement measures and stricter penalties, including raising fines and imposing license suspensions, under existing state regulations but she didn't want to "punish the retailers that are doing right."

Rogers' council colleagues and city staff acknowledged the ordinance is broadly written but said the rules are intended to crack down on youth access to tobacco products and businesses operating illegally.

"If we can move the ball forward a little bit without creating too much of an undue burden on our local business owners then I'm certainly in support of that," Vice Mayor Mark Stapp said.