



City and County of San Francisco

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San Francisco's Tobacco Sales to Minors Up Slightly

Merchants Have Less Incentives to Sell Cigarettes to Minors

San Francisco, CA—Illegal tobacco sales to minors crept up slightly in 2010 to 15.5% from 13.2% in 2009. However the increase was not statistically significant. With approximately 1,030 San Francisco retailers selling tobacco, the increase is nominal, and San Francisco health officials credit a strong permitting program and code enforcement for the continued low rates of illegal sales.

“Overall, since 2004, we’ve seen a significant decrease in illegal sales to minors,” said Dr. Tomás Aragón, the San Francisco Health Officer. “We were at 22.3 percent in 2004, and we’re at 15% now. This is great news for our youth, and reaffirms the importance of enforcement. Better enforcement of tobacco sales leads to better overall health for our community.”

San Francisco’s Tobacco Permit Ordinance requires any retailer who wants to sell tobacco products to obtain a permit. If a merchant sells tobacco products to minors or fails to follow other tobacco control laws, then the permit can be suspended up to 90 days for the first violation; up to six months for a second violation within 12 months; and up one year for a third violation. This creates a strong financial incentive to comply.

The Police Department conducts youth decoy operations to enforce Penal Code 308a, which prohibits tobacco sales to minors under 18 years of age. The tobacco permit ordinance requires permittees to comply with local, state and federal tobacco control laws. Permitted establishments that violate these laws may have their tobacco permits suspended by the Department of Public Health. For first-time violators, suspensions are usually 25-30 days; for second-time violators, suspensions are usually 60 days. Retailers can appeal suspensions to the Board of Appeals.

“While the strong enforcement program has led to decreases to the rates of illegal sales, we need to see what we can do to bring our rate in San Francisco to the same level as the State’s, which was just 7.7% in 2010,” continued Dr. Aragón.

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~
~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~

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Strong tobacco permitting laws coupled with regular enforcement make a big difference in illegal sales. San Francisco, along with over 80 other communities in California, passed strong local tobacco licensing laws. Moreover, cities and counties that fund the enforcement of their strong ordinances have seen dramatic decreases in rates of illegal tobacco sales to minors. Data regarding illegal sales rates to minors before and after strong local permitting laws were enacted was available in 31 communities. Rates of illegal tobacco sales decreased in all 31 communities, often significantly. For example, Los Angeles County's rate dropped from 30.6% to 10.9% while Sacramento's rate dropped from 27% to 19.7%.

Merchants are informed about tobacco control laws and regulations regarding sales to minors through the initial permitting process and subsequent annual renewals. Additionally, each year, the Department of Health mails educational handouts about the ordinance and compliance to all tobacco retailers. This information is offered in four languages.

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