

Legislative Update: New Federal, State and Local Tobacco Policies

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Population Health Division (PHD)

Community Health Equity & Promotion and Environmental Health
San Francisco Health Commission Meeting,
Community and Public Health Committee

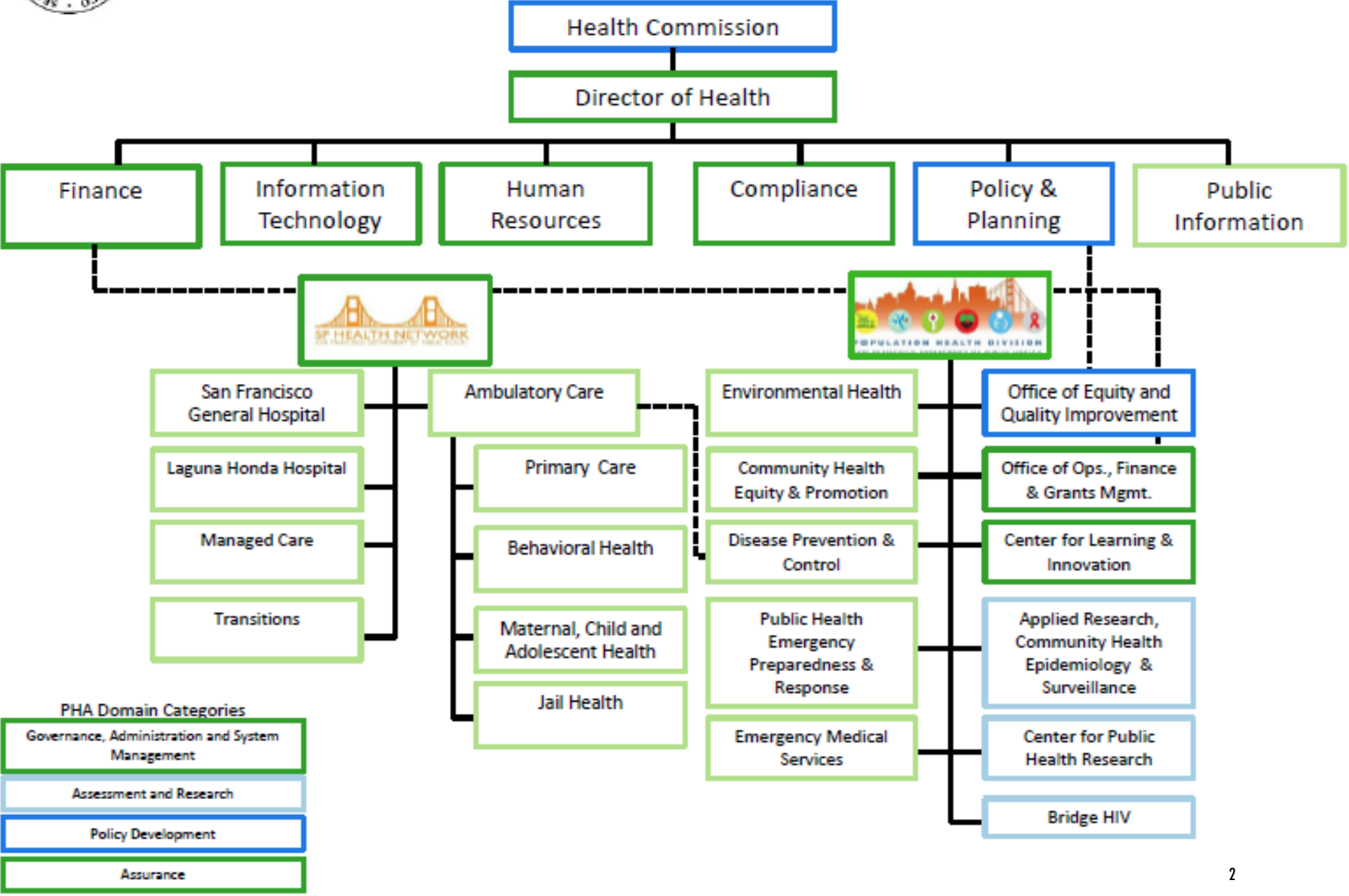


City and County of San Francisco
**DEPARTMENT OF PUBLIC HEALTH POPULATION
HEALTH DIVISION**

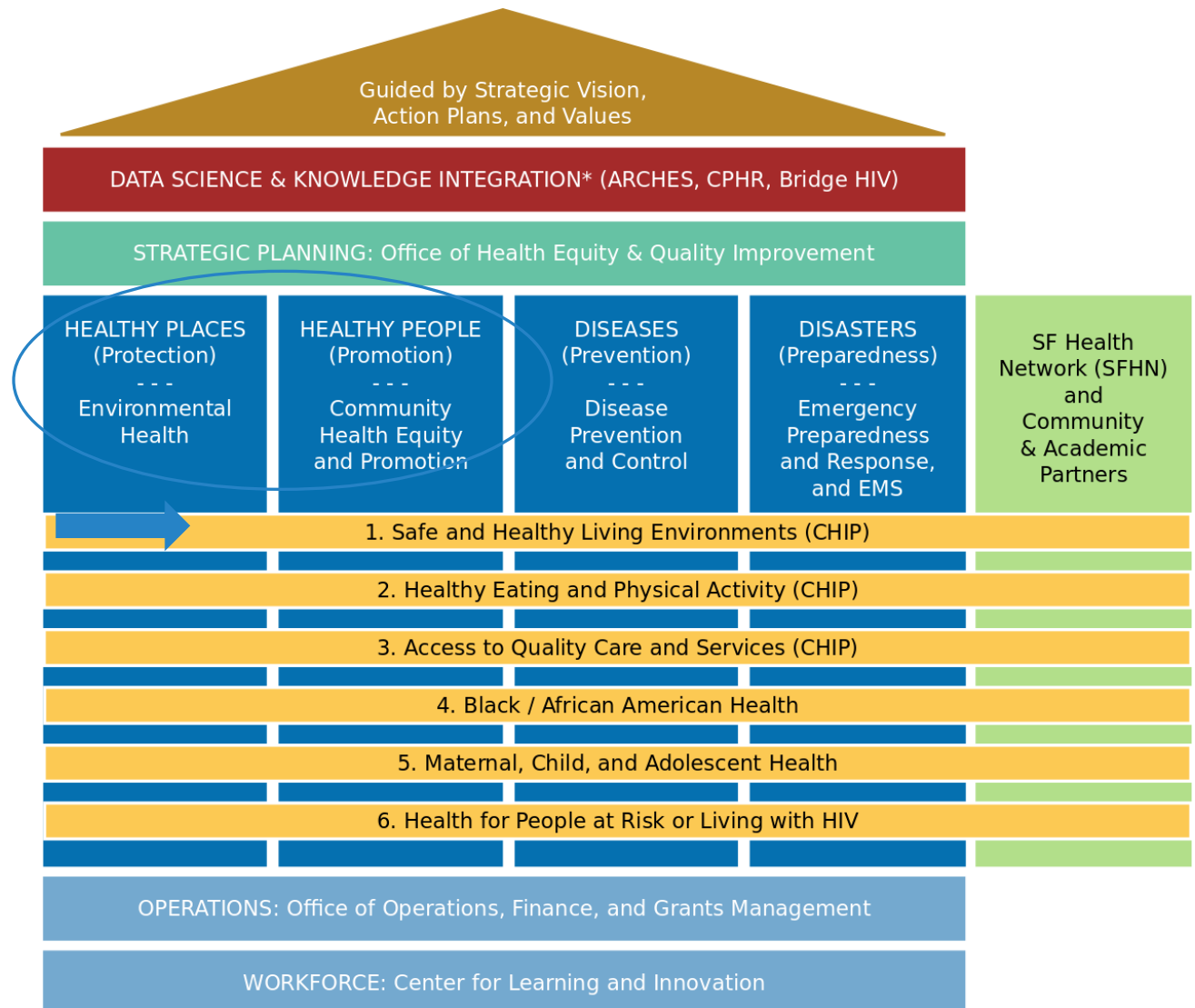




Overview of the Population Health Division



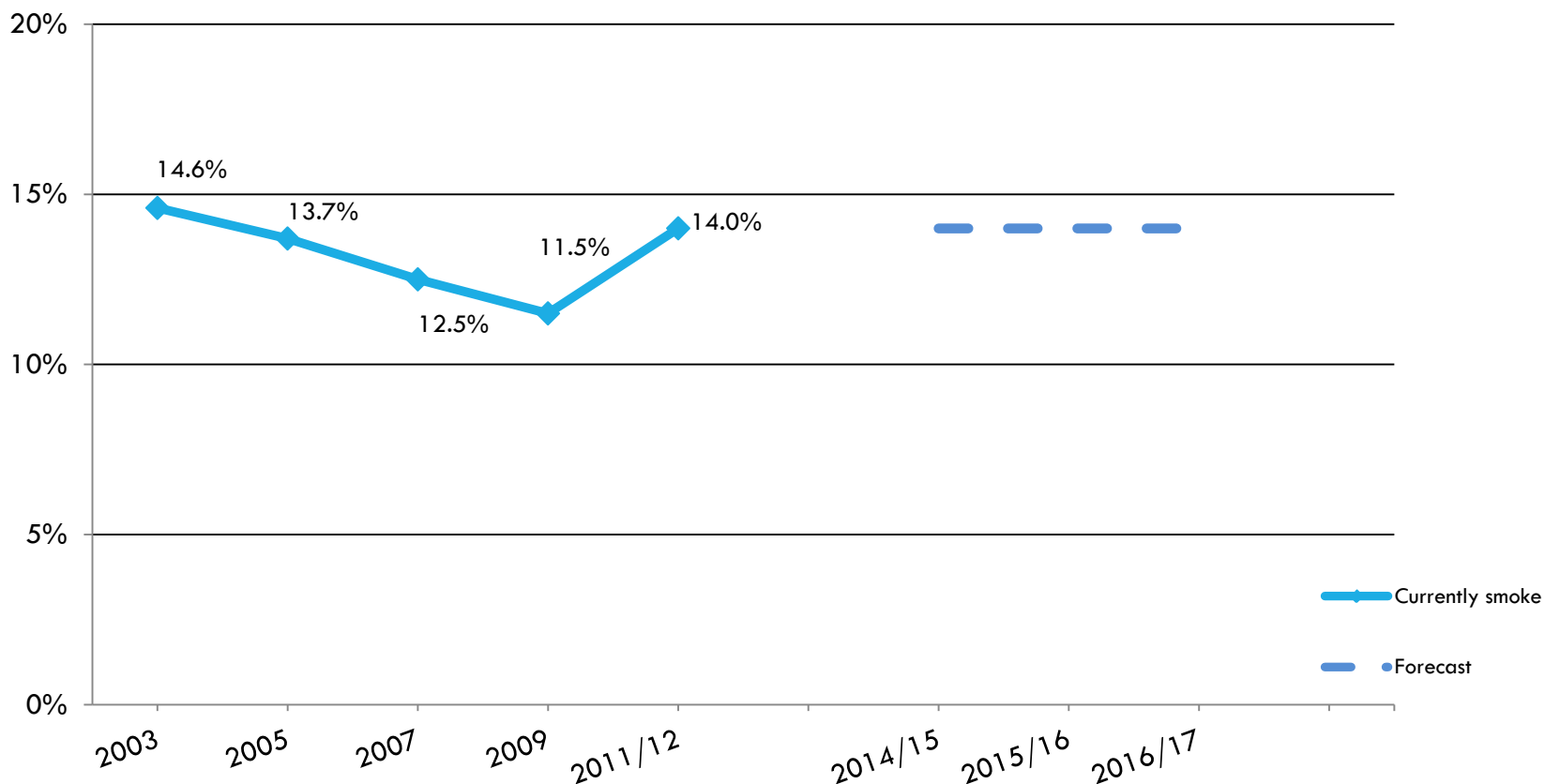
Reducing the health effects of tobacco is a core indicator in the Population Health Strategic Plan and aligns with the objective in the Community Health Improvement Plan (CHIP) of "reducing exposure to second hand smoke".





Headline Indicator: Percent of adults who smoke

**Percent of San Francisco adults who are current smokers,
2003-2012**



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

3 LEVELS OF TOBACCO POLICIES

NEW! EFFECTIVE SUMMER 2016



	Product Definition	Product Manufacturing	Sales	SHS
US Food & Drug Administration: Expanded Regulations	X	X	X	
CA SB5/AB6: Electronic Nicotine Devices	X	X	X	X
CA SB6/AB7: Smoke-free workplaces				X
CA SB7/AB8: Tobacco 21			X	
CA SB8/AB9: Tobacco- free K-12 schools				X
CA SB10/AB11: BOE licensing fee			X	
SF HC 19P: Tobacco 21			X	

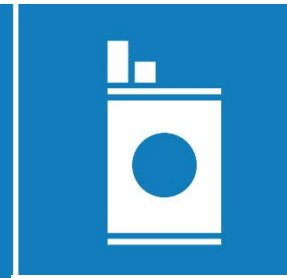
SHS = Second Hand Smoke. BOE = Board of Equalization



REGULATIONS 2009

FDA regulated
THREE
tobacco products

Smokeless Tobacco



Cigarettes



Roll Your Own












REGULATIONS 2016

FDA now
regulates

NINE

Tobacco Products

Hookah	Electronic Cigarettes	Dissolvables	Cigars
			
			
			
	Pipe Tobacco	Future Tobacco ⁷	



REGULATIONS

1. Register manufacturing establishments and provide product listings;
2. Report ingredients, and harmful and potentially harmful constituents;
3. Premarket review and authorization of new tobacco products;
4. Place health warnings on product packages and advertisements; and
5. Not selling modified risk tobacco products unless authorized by the FDA.

IMPACTED



VAPING INDUSTRY



PREMIUM CIGAR INDUSTRY

HOOKAH INDUSTRY

OTHER POLICIES TO REDUCE YOUTH ACCESS

1. No selling to persons under age 18 in person and online
2. Require age verification by photo ID
3. No selling products in vending machines
4. No free samples

**SAN FRANCISCO
ALREADY ENACTED
THESE POLICIES OR HAS
STRONGER POLICIES**





CALIFORNIA VS. SF TOBACCO POLICIES



CA SB5/AB6:
Electronic Nicotine
Devices

SF Health Code

SF HC 19N: Electronic
Cigarette Devices

Key Difference

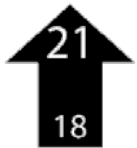
CA requires child
resistant Packaging



CA SB6/AB7:
Smoke-free workplaces

SF HC 19F: Smoke Free
Workplaces

SF **does not** exempt
tobacco shops



CA SB7/AB8:
Tobacco 21

SF HC 19P: Tobacco 21

SF **does not** exempt
active military
personnel



CA SB8/AB9:
Tobacco- free
K-12 schools

SFUSD schools and charters
are Tobacco-Free &
receive education funding

None



CA SB10/AB11:
Annual BOE licensing fee

SF HC 19H: Tobacco Retail
License requires an annual
fee to sell products

SF Retailers will pay
additional annual
fee



Cigarettes



Cigars



Little Cigars/Cigarillos



Smokeless Tobacco



Electronic Cigarettes



Vape Pens



E-liquids



Hookah



Vape Tanks/Mods



Vape Atomizer



Vaporizers



E-hookah

**Added to
definition of
“Tobacco
Products”
for
California
Tobacco
Laws**

CURRENT SF TOBACCO ORDINANCES

19K.
Prohibit
tobacco sales
on City &
County
Property

19F.
Expand
Smoke-free
places

19N.
Restrict use of
e-cigarettes

19O.
Prohibiting
smokeless
tobacco at
athletic venues

2010

2013

2014

2015

2016

19J.
Prohibit
pharmacies
from selling
tobacco
products

19L.
Prohibit
smoking at
certain
outdoor
events

19H.
Tobacco
Retail
License

19H.
Tobacco
Retail
Density Cap

19P.
Min Age to
Purchase
Tobacco at
21





SAN FRANCISCO TOBACCO 21

Health Code 19P: Prohibiting the Sale of Tobacco Products to Persons Aged 18, 19 or 20, effective July 1, 2016

- Unlike State Tobacco 21 law: Does not exempt active duty military

Annual Retailer Mailer

May 2016

Multi-Language Fact Sheets

900+ addresses

One Year Grace Period

July 1 2016 to
June 30 2017

Tobacco Retailer Education

Booklet

Site Visit

Workshops

SF Tobacco 21 Signage

21

DPH ENFORCEMENT STRATEGY

One Year Grace Period

Retailers will not be penalized for selling tobacco products to anyone aged 18, 19, or 20

After One Year Grace Period

- Fair and Equitable Enforcement Process
- Opportunity for First-Time Offenders to Reduce Permit Suspension Period



Annual Retail Mailing

19P. Fact Sheet Posted
at Roxie's Food Center

Questions?



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Acknowledgements

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- Tobacco Free Project
 - Derek Smith, Susana Hennessey-Lavery, Patricia Erwin, Alice Hu-Nguyen, Jessica Estrada, Gary Wei

SB5/AB6- ADDS E-CIGS TO DEFINITION OF TOBACCO

1. Changes definition in STAKE Act to include electronic devices
2. Retailers must obtain license to sell electronic devices
3. Electronic device use subject to CA smoke free laws
4. **Requires child-resistant packaging**

Aligned
with SF
E-cig
Health
Code
19N



SB6/AB7 - EXPANDS SMOKE-FREE WORKPLACES

1. Owner-operated businesses
2. ≤ 5 employee businesses
3. Break rooms
4. Warehouse facilities
5. Covered Parking Lots
6. Hotels, Motels & Other Transient Lodging
 - Meeting rooms and banquet rooms in hotels
 - Lobby
 - 80% of guest rooms



Aligned
with SF
smoke free
Health
Code 19F.



SB7/AB8 INCREASES MINIMUM AGE TO 21

- Raises minimum age to PURCHASE tobacco products from 18 to 21 (no penalty for possession)
- **Allows active duty military personnel ages 18-20 to purchase tobacco products**

The Sale of Tobacco Products to Persons **Under 21** Years of Age Is Prohibited by Law and Subject to Penalties

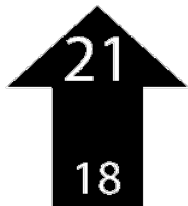
To Report an Unlawful Tobacco Sale Call
1-800-5 ASK-4-ID

U.S. Armed Forces active duty personnel with military ID must be at least 18 years of age

Valid Identification May Be Required

This sign must be readable by the consumer and must not be altered, covered or obliterated in whole or in part

Business and Professions Code Section 22952



SB8/AB9 -ALL SCHOOLS TO BE TOBACCO-FREE

- Tobacco-free campuses for all school district and county office of education owned schools and buildings, including charter schools
- Administer competitive grants for school-based tobacco education programs

**SFUSD and Charters already Tobacco-Free
and receiving Tobacco Use Prevention
Education funding (TUPE)**



SB10/AB 11- ESTABLISHES ANNUAL BOE FEE

CA Board of Equalization license cost would increase from

- \$100 once → \$265 ANNUALLY for retailers
- \$1000 → \$1200 for wholesalers of tobacco products, annually

Previously
ONE
time fee

Does not affect SF local retail permit fee

