

TOBACCO & SMOKING PROGRAM - RETAIL TOBACCO RULES AND REGULATIONS

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Presentation Overview

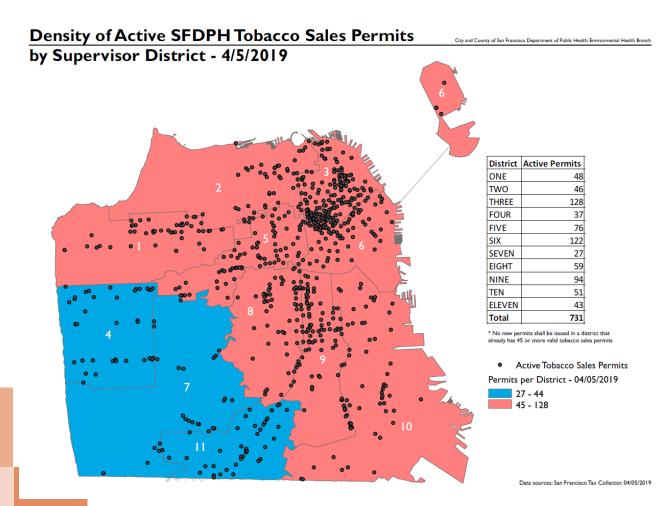
- Tobacco Regulations in SF
- DPH's Role in Retail Tobacco Compliance
- General Retail Tobacco Permitting
- Tobacco Density
- Flavored Tobacco Ban Rollout
- Enforcement Process

SF Health Code, Article 19

- 19H Tobacco permitting
- 19F Smoking in enclosed areas
- 19P Sales to 18, 19, and 20 year olds
- 19Q Flavored tobacco

Recently Approved 19K (amendment) – No tobacco sales on city property 19R –Sales of unapproved E-cigarettes 19S – Sales & distribution of tobacco products

General Retail Tobacco Permitting



NO NEW TOBACCO PERMITS

- 1. Districts with 45 or more tobacco permits
- 2. New location
- 3. Restaurant, Bar, or Tobacco Shop
- 4. Within 500 feet of a school
- 5. Within 500 feet of another retailer



One-Time Exception Qualifications

- 1. Applies Only to Grocery Stores, Tobacco Shops and Cigar Bar with indoor smoking exemption
- Original Owner (i.e. Current Permit holder) was continuously in business from January 18, 2010 to January 18, 2015
- **3.** Valid Tobacco Permit 5 years preceding submittal of the SFDPH tobacco application

Original Owner is the individual or entity that owned the business and tobacco permit on January 18, 2015



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Retail Tobacco Permit Pre-Application, Affidavit and Planning Referral

	Retail Tobacco Ferrint Fre-P	Application, Afridavit and Planning Referral	40 COUNTS				
Date:		Applicant Name:					
Facility/Bu	isiness Name (DBA):	Facility/Business Address and Zip Code:	E				
Applicant'	s Best Contact Number:	Applicant's Email Address:	INSTR				
Α.	The Applicant is the current San Francisco Department of Public Health (SFDPH) Tobacco Permit Holder: YES. Go to #B.1. NO. Go to #C.1.						
В.	Request to Amend Current Permit						
B.1	The current Tobacco Permit Holder will <u>not</u> change ownership as described in B.1 NOTE below: YES. Go to #B.2. NO. Go to #C.1. (NOTE: Change of Ownership means: (i) a change of fifty percent (50%) or more of the ownership of the business within a 12-month period or (ii) for a corporation, transfer of twenty-five percent (25%) or more of the stock ownership within a 12-month period.)						
В.2	The current Tobacco Permit Holder only needs to amend one or more of the following below (Check all that apply): a) _ Legal Owner Name b) _ DBA _ c) _ Increase/Decrease Partners/Officers d) _ Increase/Decrease Ownership/ Stock Percentages y YES. Sign below and submit form with tobacco application NO. Go to #C.1. (NOTE: Changes in legal owner, including adding or removing partners, business structure, converting from one business type to another type, or changing ownership/stock percentages, requires a new tobacco permit application and the non-refundable processing fee.)						
С.	One-Time Permit Exception Qualification						
C.1	The establishment was acquired by the Applicant through a YES. Go and Complete Section D.	death or divorce of a spouse or domestic partner. NO. Go to #C.2.	STEP 3				
C.2	For A – H, check only one (1) business type: A. Grocery/Market B. Liquor Store E. Restaurant F. Gas/Service Station Checked Box A, B, or C; Go to #C.3. Case State Gas/Service Station	C. □Tobacco/Vape Shop D. □Bar/Tavern G. □Gift/Novelty Store H. □ Other Type of Establishment □Checked Box D, E, F, G, or H; Go and Complete Section E.	STEP 3 STEP 4				
C.3	The current Permit Holder owned and operated the establishment and maintained a valid SFDPH tobacco permit <u>on</u> January 18, 2015: YES, Permit Holder is the ¹ Original Owner. Go to #C.4. NO. Go to #C.6.						
C.4	The ¹ Original Owner(s) operated the establishment continue YES. Go to #C.5.	uously between January 18, 2010 and January 18, 2015.	REVIE Yes				
C.5		permit for five (5) or more years preceding the application submittal date.	1.				
C.6	I am/We are the ² New Owner(s) who purchased the establ continuously for 10 years and maintained a valid SFDPH to	ishment from the Original Owner <u>and</u> I/we operated the establishment bacco permit during those same 10 years:	When acqui "YES", mark Yes				
C.7	YES. Sign below. Go and Complete Section D. NO. Go to #C.7. 1 am/We are the ³ subsequent Buyer who purchased the establishment from the New Owner who continuously operated and maintained a valid SPDPH tobacco permit for 10 or more years. Furthermore, l/we understand and acknowledge that I'm/we're the last SFDPH Tobacco 4						
		OWNER(S)/OFFICER(S) REQUIRED **					
additional staff will v	re under penalty of perjury that the information provided on this pro documentation and/or non-refundable processing fee(s) as required	cer(s) in reported corporation must sign. Attach additional sheets if necessary. e-application is true and correct. Furthermore, I/we hereby agree to provide and submit by the San Francisco Department of Public Health. Finally, I/we acknowledge that SFDPH PH staff discovers false or misleading information, I/we understand that the tobacco permit	If "NO" to al Applicant m				
x		x					
x		x					
^		0					
		and is the holder of the SFDPH tobacco permit on January 18, 2015.					
	ner is an individual or entity who is purchasing or acquiring to continue the sales of tobacco at the location for a minimum	he establishment from the Original Owner and is seeking to obtain a tobacco					
		iring the establishment from the New Owner. Applicants purchasing the					

³Subsequent Buyer is an individual or entity who is purchasing or acquiring the establishment from the New Owner. Applicants purchasing the establishment from the Subsequent Buyer may not qualify for a 19H.6 exception.

City and County of San Francisco	
DEPARTMENT OF PUBLIC HEALTH	
ENVIRONMENTAL HEALTH BRANCH	S

Barbara A. Garcia, MPA, Director of Health Stephanie K. J. Cushing, MSPH, CHMM, REHS Director of Environmental Health

London N. Breed, Acting Mayor

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Retail Tobacco Permit Application Review and Checklist

RUCTIONS

- Complete Application Submission. The Applicant must submit a complete application with original wet signature(s), required documentation, and the non-refundable processing fee(s). San Francisco Department of Public Health (SFDPH) will not begin the review process or approve the application for any of the following: · Legal Owner and Establishment name are not the same on all state and local permits and licenses
 - Faxed applications
 - · Incomplete or inaccurate application, including but not limited to: Application missing wet signatures
 Application missing required non-refundable processing fees
 - Application missing California Cigarette and Tobacco Products License Number

 Legal Owner has not acquired a business account with the San Francisco Office of the Treasurer and Tax Collector (SFTTX) FDPH Application Review. SFDPH staff will only begin the application review after receiving a complete application with original wet signatures and the non-refundable application processing fee(s).

For incomplete application, SEDPH will submit a copy of the checklist detailing the missing information with a submittal deadline. Additionally, SFDPH may schedule an application review meeting with the Applicant, Responsible Party, or authorized agent in order to obtain any missing documents. Failure to submit requested missing documents by the ubmittal deadline may result in the denial of a tobacco permit. SFDPH may also conduct a field visit in order to confirm he establishment type or operations. Applicants providing false information or misrepresentation may result in the denial of the tobacco permit.

Upon completion of the application review process, SFDPH will take one of the following actions: 1. Submit to the Applicant a tobacco permit denial letter; OR

2. Submit the tobacco permit and authorization to bill the Legal Owner for the tobacco H-31 license to SFTTX. Pay SFTTX for the H-31 License Fee. If an authorization notice is submitted to SFTTX, SFTTX will mail a bill to the Legal Owner within 2 weeks for the H-31 license fee. The Applicant must pay the H-31 license to SFTTX within 30 days. ssuance of SFDPH Permit to Operate Retail Tobacco. After SFTTX receives payment for the H-31 license, the tobacco etter and permit will be mailed to the Legal Owner

ed to sell tobacco products, including, but not limited to cigarettes, smokeless tobacco, electronic cigarette devices (including vaping and all the parts, components, and accessories of the device), hookah tobacco, pipe tobacco, cigars, cigarillos, and any nicotine or hing products without a valid SFDPH tobacco permit and H-31 license. (Pursuant to Sections 19H.3, 19H.4(d), 19H.7, and 19N.3).

W CHECKLIST

No N/A Amended Permit Verification Excluding Ownership Change, the Applicant needs to only change: Security Name gal Owner Name 📃 Increase/Decrease Partners or % Ownership (including through death or divorc ring Ownership through death or divorce, mark "N/A" for #2 and proceed to #3 below. For all other Applicants, when #1 is marked "N/A" for #2 - #5 below and proceed to #6. If #1 is marked "NO", proceed to #2 below.

No N/A One-Time Exception Qualification Verification

- Business Type: General or Specialty Groceries Tobacco Shop Bar/Tavern (under 1009.23(d))
- Applicant Qualifies as: Original Owner New Owner A Subsequent Buyer B
- Original Owner Was Continuously in Business at Facility Address Between January 18, 2010 and January 18,2015 A valid SFDPH tobacco permit was held for the following required years preceding the Application Date:

5 or more consecutive years for the Original Owner 10 or more consecutive years for the New Owner A

v #2 - #5 statements above. STOP! This application does not qualify for a 19H.6 exception. Mark "YES" on #26 and "NO" on #32. The st submit a complete Retail Tobacco Permit Planning Referral Form with the non-refundable Zoning pr

> 1390 Market Street, Suite 210, San Francisco, CA 94102 Phone 415-252-3800 | Fax 415-252-3894

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SEDPH Retail Tobacco Application Review and Checklist Yes No N/A California State (CA) Labor and Tobacco Licensing Requirements 6. Declaration of Healthy and Safe Working Conditions Form Submitted (NOTE: Form must be complete, dated, and signed by an authorized agent) 7. California Cigarette and Tobacco Products Retailer License Submitted or 91-####### Provided (NOTE: The California tobacco license name and dba must be the same as San Francisco's legal owner name and dba on Business Registration and SFDPH Tobacco Application) Yes No N/A Retail Tobacco Permit Pre-Application, Affidavit and Planning Referral Pre-application/Affidavit Submitted The Applicant completed date, name, facility name and location, best contact number, and Section A The Applicant is Amending the Current Permit (NOTE: Section B.2 must be "YES" and all owner(s) or officer(s) must sign bottom of Page 1.) 11. The Applicant qualifies for One-Time Permit Exception (NOTE: Section C.1, C.5, C.6, or C.7 must be "YES". If "NO", skip and complete Section E Items #13 - #15 below.) 12. The following documentation provides proof of one-time exception: (NOTE: If #11 above is "YES", the Applicant may qualify for only 1 exception per application.) 12a. Section D.1 - Legacy Transfer under Sections 19H.6(a), (b), (e), or (f) (NOTE: A Lease gareement does not gualify as proof of purchase from current permit holder) 12b. Section D.2 - Qualified Relative under Section19H.6(c): (NOTE: Qualified relative is one child of the Original Owner) 12c. Section D.3 - Death or Divorce under Section 19H.6(g) Section D.4 - Store Relocation due to seismic upgrades under Section 19H.6(d) (NOTE: Applicant must provide documentation from Department of Building Inspection.) Section E - San Francisco Planning Department Zoning Referral Section 13. 14. Planning Referral Required If Item #13 is "YES", Applicant Submitted Processing Fees; Checked Items 1 - 8; and all Owner(s) or Officer(s) Signed Section E Yes No N/A Application for the Sale of Tobacco Products and/or E-Cigarettes 15. Completed Application Date and First Date of Tobacco Product Sales (NOTE: Application date is the date a complete application and processing fee submitted to EH. First date of sales is the first day that Applicant has been selling tobacco products - default date is the Application Date.) Applicant provided completed Legal Owner Information Section Legal Owner is the same name or entity on California tobacco license and SFTTX Business Account Applicant Provides Names of All Owner(s) or Officer(s) and ownership percentages adding up to 100% Facility DBA and location is the same on California tobacco license and SETTX Business Account Applicant provided an alternate contact person, phone number, and email (NOTE: Completed responsible or alternate contact satisfies this requirement.) 21. Complete Tobacco Application with Original Wet Signatures of all Owner(s) or Officer(s) (NOTE: If "NO", please review COMMENTS on page 3) Yes No N/A Health Code Compliance Verification 22. 23. 24. SFDPH staff conducted on-site inspection to confirm application information Legal Owner has no outstanding SFTTX licensing fees Legal Owner is in compliance with California and San Francisco smoking and vaping clean air laws (NOTE: Smoking prohibition laws codified in California Labor Code Section 6404.5 and SFHC Article 19F) New Tobacco Permits (NOTE: This section is not required if Applicant qualifies for any 19H.6 exception)

- 25. Legal Owner doesn't operate any of the following business type at the facility location: Tobacco Shop or any business that offers or sales food or alcoholic beverages for on-site consumption (NOTE: A new tobacco permit may not be issued to any of the above 4 business types pursuant to §§ 19H.4(f)(6) and (7)) 26. Total Valid Tobacco Permits in Supervisor District is under 45
- (NOTE: No new tobacco permit may be issued in any district with more than 45 tobacco permits pursuant to § 19H.4(f)(5)) 27. A Valid SFDPH Tobacco Permit Was Previously Issued at Facility Location (NOTE: SFDPH Tobacco Permits are prohibited at new locations pursuant to § 19H.4(f)(8))



POPULATION HEALTH DIVISION

SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Power BI (Business Intelligence) – Access through Outlook Account - Teams!

Tobacco Density Map https://sfplanninggis.org/tobaccopermits/



Flavored Tobacco Ban Roll Out

1) Training volunteers	Compliance Inspections -	– Nov 2018 – March 2019 Tobacco Permit Rules & Regulations	
2) Site visits	1) Flavored tobacco training		
3) Data analysis 4) Email notification 5)Factsheet poster mailed 6) FAQ mailed	 Compliance Inspection Google Voice verification 	1) Drafting Rules & Regulations for Flavored Tobacco, Tobacco Permit Density, and Enforcement	



Education & Outreach Location Visits

- 801 locations visited and a team of 17 people
- Time line September 2018 January 2019
- Survey was conducted
- Flavored Tobacco Poster Distributed



avored Tobacco Sales Ban? When will the City enforce the new law?

The ban prohibits Retail Tobacco Permit Holders from selling any nicotite or tobacco product, including but not limited to smokeless/chew, cigarettes, cigars, cigarillos, vape liquid and hookah tobacco, that is manufactured to have an aroom and/or flavor, such as fruit, sweet, candy, alcohol, mint, spice or menthol.

When is the ban effective and how can I prepare now?

The ban took effect on July 20, 2018. Discontinue ordering and restocking flavored tobacco products now to prevent losing your investment once the rules and regulations are ready to implement.

Will the City help retailers implement the new law?

Yes. Education and outreach efforts will begin in September 2018. Compliance checks will begin in October 2018, where a notice of correction will be issued if flavored tobacco products are observed.

The Rules and Regulations are aimed for completion in

January 2019 and enforcement will commence. Avoid permit suspensions of up to 365 days by discontinuing sales of flavored tobacco products now.

How can I stay informed?

Throughout this process, stay informed by visiting our website, https://www.stdph.org/dph/EH/Tobacco/ flavoredtobacco.asp.

 We will also invite retailers to meet with City staff to discuss approaches to phase out existing products, technical assistance needs, and improve the retailers' customer experience.

nplement the new law? • Read the mailings from the City and pay attention to the website for posting of FAGs and the proposed Rules and Regulations for public comment. • You are encouraged to ask questions and submit • You are encouraged to ask questions and submit

suggestions to San Francisco 311 at (415) 701-2311 or https://sf311.org.





Flavored Products List

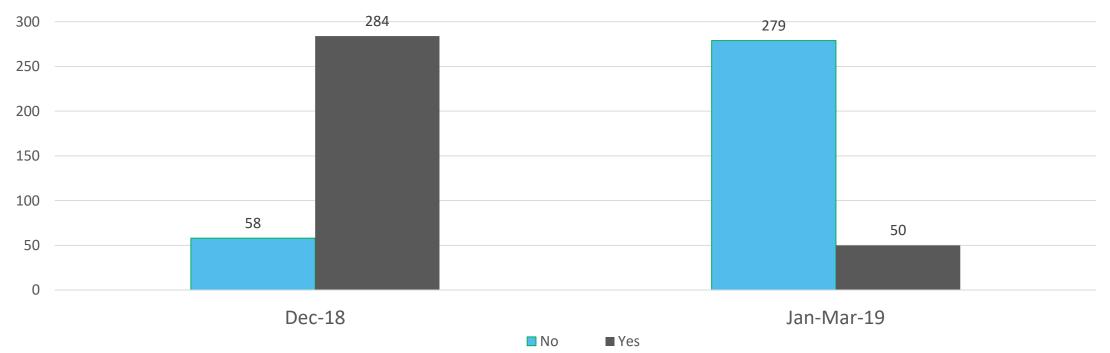
- Among 416 retailers, around 19 common questionable brands were asked
- A tobacco products list with 59 products has been created to address the questionable brands and specific products of those brands.
- It specifies the Department's stance on which product is flavored and which product is not flavored.
- The Rules & Regs defines the methodology of how we determine if a tobacco product has a characterizing flavor

	Type of Product	Brand	Pack Variety on Package	Flavored	does not mention any text or image suggesting a flavor other than tobacco.	Sources
	Cigarettes	American Spirit	Perique Blend Black Box	Yes	Website said "It provides a distinctively rich and spicy flavor that cannot be imitated."	http://www.sweetmedicineshoppe.com/browsepr oducts/american-spirit-perique-heritage.html
A DE LA DE	Cigarettes	American Spirit	Green Box	Yes, menthol	Website said Ingredients: Organic Tobacco & Organic Menthol. "For our menthol, we had to find the perfect mint Janit that worked with the organic process. And just like the tobacco in our blends, that starts in the field. Our menthol taste is provided by fresh crystals in the filter, a first in the tobacco indury which has traditionally relied on spraying liquid menthol directly on the tobacco."	https://www.resnickdistributors.com/american- spirit-menthol-mellow-green-box/
	Cigarettes	American Spirit	Dark Green Box	Yes, menthol	Website said "For our menthol, we had to find the perfect mint plant that worked with the organic process. And just like the tobacco in our blends, that starts in the field. Our menthol taste is provided by fresh crystals in the filter, a first in the tobacco industry which has traditionally relied on spraying liquid menthol directly on the tobacco. Our approach ensures the fresh menthol taste lasts from the field to the pack. Our Dark Green pack is a full-bodied menthol style and contains our 100% additive-free natural American Spirit Blend. Ingredients: Organic Tobacco & Organic Menthol.	https://www.resnickdistributors.com/american- spirit-menthol-dark-green-box/
	Cigarettes	American Spirit	Light (yellow box)	Yes, menthol	Chicago Database: https://data.cityofchicago.org/widgets/Swce-bks2	https://data.cityofchicago.org/widgets/Swce-bks2



Flavored Tobacco Compliance Inspections: Before and After January 1st, 2019

Flavored Tobacco Products Present





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Locations Complying with Flavored Tobacco Ban

Compliance Check + Google Voice Self-verification + Routine Inspections

Approximately 80% of locations were found complying with the Flavored Tobacco Ban.





Enforcement Process

Sales to Persons Under 21 Years of Age

- Install scanner or other age verification device (-5 days)
- Remove all visible tobacco product advertisements (-10 days)
- Install permanent opaque covering over all tobacco products (-10 days)
- Conduct employee retail tobacco training (-5 days)







Enforcement Process

Flavored Tobacco Sales

- 1st time violation 72 hours to remove product from shelf
- Permit suspension for 2nd occurrence and any subsequent occurrence





Next Steps for Tobacco & Smoking Program

- Annual Compliance Inspections
- Decoy Operations for Unpermitted Tobacco Retailers and/or Smoking Lounges
- Quarterly Newsletter
- Tobacco Program Roadshow
- E-Cig Ban SFHC Articles 19R and 19S
- DOJ Grant: 3-5 years







THANK YOU!



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