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

2. **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*
Power BI (Business Intelligence) – Access through Outlook Account - Teams!

Tobacco Density Map -
https://sfplanninggis.org/tobaccopermits/
Flavored Tobacco Ban Roll Out

Education & Outreach – Sept 2018-January 2019
1) Training volunteers
2) Site visits
3) Data analysis
4) Email notification
5) Factsheet poster mailed
6) FAQ mailed

Compliance Inspections – Nov 2018 – March 2019
1) Flavored tobacco training
2) Compliance Inspection
3) Google Voice verification

Tobacco Permit Rules & Regulations
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
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.
Flavored Tobacco Compliance Inspections: Before and After January 1st, 2019

Flavored Tobacco Products Present

Dec-18

- No: 58
- Yes: 284

Jan-Mar-19

- No: 279
- Yes: 50
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!

QUESTIONS

ANSWERS

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