



CITY OF VALLEJO DRAFT TOBACCO RETAIL LICENSING ORDINANCE PRESENTATION





Background

- On 4/25/23 the Vallejo City Council received a presentation from community groups LGBTQ Minus Tobacco and Bay Area Community Resources relating to the establishment of a Tobacco Retail Licensing Ordinance in the City.
- At the conclusion of the presentation, Council directed staff to return to Council with a comprehensive ordinance for its consideration.



Actions to date



- Among many other urgent priorities, staff have worked diligently to review the model ordinance prepared by the Public Health Law Center and the American Lung Association as well as ordinances adopted by several other jurisdictions.
- Based upon the research undertaken, staff anticipates bringing a draft ordinance forward for Council consideration within the next 60-90 days.....

Purpose of this Presentation



- Staff have invited our retailers who engage in the sale of tobacco products to attend this presentation to hear about the proposed Tobacco Retail Licensing Ordinance.
- This evening staff will go over the major provisions of the draft ordinance. After the presentation, staff will take questions of the attendees and will provide an opportunity for comment.





Major Provisions of Draft Ordinance - Who and What is Regulated

- All persons engaged in retail sale of “tobacco products” in the City will need to have a Tobacco Retail License.
- “Tobacco products” include any product made or derived from tobacco or nicotine regardless of means of delivery (includes, cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, electronic delivery devices, etc.).



Prohibited Locations

- Tobacco Products will not be permitted to be sold at:
 - Pharmacies
 - Cannabis Retail Stores
 - Non-Fixed Locations (mobile retail)





Separation Requirements

- New Tobacco Retailers will not be able to locate within a determined number of feet of “Youth Oriented Facilities” such as schools, libraries, playgrounds, youth centers, recreation facilities, parks, childcare facilities. Suggested 1,000 feet.



- Separation also required from existing tobacco or cannabis retailers. Suggested 1,000 feet.




Permit Numbers Limited-Density

- Density limitations on number of retailers based upon City Population. Suggested - One per 2,500 persons.
- Existing retailers to be exempted from proximity and density requirements.





Other Provisions

- Sales limited to persons 21 years of age or over.
 - All sales will require government ID.
 - Self service displays prohibited.
 - No delivery.
 - Flavored Tobacco Products prohibited.
 - Pricing and packaging requirements.
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Other Provisions Continued

- License is annual.
- Clear provisions for issuance or denial.
- May be revoked if improperly issued.
- Compliance monitoring authorized.



Enforcement



- Fines
- Civil Action
- Criminal Prosecution
- Forfeit of product
- Suspension/Revocation of license for violations (within 5-year period):
 - First Violation 30-day suspension
 - Second Violation 90-day suspension
 - Third Violation 1 year suspension 
 - Fourth Violation – revocation



Next Steps

- Complete Ordinance.
- Propose Fee for Permits.
- Present Ordinance and related provisions including fee resolution to Council.
- Introduction of ordinance.
- Adoption of ordinance.
- Effective 30 days after adoption.





QUESTIONS

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