# Town of Paradise
# Town Council Meeting Agenda
# 6:00 PM – June 09, 2020

## Town of Paradise Council Chamber – 5555 Skyway, Paradise, CA

Mayor, Greg Bolin
Vice Mayor, Steve Crowder
Council Member, Jody Jones
Council Member, Melissa Schuster
Council Member, Mike Zuccolillo

Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Dina Volenski
Community Development Director, Susan Hartman
Administrative Services Director/Town Treasurer, Gina Will
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, John Messina
Chief of Police, Eric Reinbold
Disaster Recovery Director, Katie Simmons

I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.

II. The Town staff then provides a report to Council and answers questions from the Council.

III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item

PUBLIC COMMENT

In accordance with Governor Newsom's Executive Order N-29-20, remote public participation is allowed in the following ways:

Town Council meetings are available to be viewed on live-streamed at https://livestream.com/townofparadise

Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM ___ to dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting and will be read into the record during public comment. Written comments are subject to the regular time limitations of three minutes per speaker, please limit to 200 words or less. If you are unable to provide your comments in writing, please contact the Town Clerk's office for assistance at (530) 872-6291.

Public comment may be submitted by telephone during the meeting, prior to the close of public comment on an item by calling (530) 872-5951 at the time indicated by the Mayor. Alternately you may send an email with the subject line:

TELEPHONE PUBLIC COMMENT ITEM ___ to the Town Clerk dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting, include your telephone number and the Mayor will call you during public comment.

Disabled persons may request reasonable modifications or accommodations relating to the use of telephonic or electronic observation and participation prior to the Council meeting by contacting the Town Clerk at (530) 872-6291 ext. 102.

In compliance with the Americans with Disabilities Act (ADA) Compliance, persons who need special accommodations to participate in the Town Council meeting may contact the Town Clerk at least three business days prior to the date of the meeting to provide time for any such accommodation.

## 1. OPENING

1a. Call to Order
1b. Pledge of Allegiance to the Flag of the United States of America
1c. Invocation
1d. Roll Call

1e. Presentation on Tree Removal Program - Cole Glenwright, CAL OES and Katie Simmons, Town of Paradise Disaster Recovery Director

## 2. CONSENT CALENDAR

One roll call vote is taken for all items. Consent items are considered to be routine business that does not call for discussion.

2a. p5 Approve minutes from the May 12, 2020 Special and Regular Town Council meetings.

2b. p12 Approve May 2020 Cash Disbursements in the amount of $2,748,657,69.

2c. p20 1. Declare the attached described vehicles as surplus property; and, 2. Adopt Resolution No. 20-12, A Resolution of the Town Council of the Town of Paradise declaring certain Town Equipment to be surplus and obsolete and authorizing disposal through sale or donation by the Town Manager or her designee.

2d. p24 Adopt Resolution No. 20-13, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Finance Division Pursuant to Government Code Section 34090. The records listed in Exhibit B have been retained for four or more years and are eligible for destruction.

2e. p27 Adopt Resolution No. 20-14, A Resolution of the Town Council of the Town of Paradise Approving an Amended and Restated Agreement for Professional Services with Town Attorney Dwight L. Moore

2f. p34 Review and file the 2nd and 3rd Quarter Investment Report for the fiscal year ending June 30, 2020.

## 3. ITEMS REMOVED FROM CONSENT CALENDAR

## 4. PUBLIC COMMUNICATION

For matters that are not on the Council business agenda, speakers are allowed three (3) minutes to address the Council. The Town Council is prohibited from taking action on matters that are not listed on the public agenda. The Council may briefly respond for clarification and may refer the matter to the Town staff.

## 5. PUBLIC HEARINGS

For items that require a published legal notice and/or a mailed notice.

### Public Hearing Procedure:

A. Staff Report
B. Mayor opens the hearing for public comment in the following order:
    i. Project proponents (in favor of proposal)
    ii. Project opponents (against proposal)
    iii. Rebuttals – if requested

C. Mayor closes the hearing
D. Council discussion and vote

5a. p44 1. Conduct a public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan; and 2. Consider authorizing Town staff to submit the Substantial Amendment to Housing and Urban Development; and, 3. Consider authorizing the Town Manager to enter into an agreement with Community Housing Improvement Program for a float loan of $500,000 for the reconstruction of Paradise Community Village. (ROLL CALL VOTE)

## 6. COUNCIL CONSIDERATION

Action items are presented by staff and the vote of each Council Member must be announced. A roll call vote is taken for each item on the action calendar. Citizens are allowed three (3) minutes to comment on agenda items.

6a. p 48 Acknowledge and grant the request from the project applicant to defer taking action on Resolution No. 20-15 of the Town Council regarding the appeal of Temporary Use Permit No. PL19-00383 for 180 days. **OR**

**ALTERNATIVE ACTIONABLE OPTION(S):**

Acknowledge the request from the project applicant to defer taking action on Resolution No. 20-15 of the Town Council regarding the appeal of Temporary Use Permit No. PL19-00383 for 180 days, but grant a deferral of less time before the Resolution is adopted. **OR**

Find that the Town shall not grant the project applicant's request and adopt Resolution No. 20-15 of the Town Council with modifications, **Denying the Appeal** and thereby **Uphold the Planning Commission's Decision.** (ROLL CALL VOTE)

6b. p161 1. Consider prohibiting the sale of flavored tobacco products in the Town of Paradise; and, 2. Consider waiving the entire reading of proposed Ordinance No.596 and approve reading by title only; and, 3. Consider introducing Ordinance No.- 596 an Ordinance of the Town Council of the Town of Paradise California, prohibiting the sale of flavored tobacco products; or, consider the following options:

1. Create a Tobacco Retail License for businesses in the Town of Paradise which also bans the sale of flavored tobacco products; or,

2. Ban the sale of flavored tobacco products without creating a Tobacco Retail License; (staff recommended action) or,

3. Ban the sale of flavored tobacco products, with the exception of menthol flavored products; or,

4. Take no action, thereby continuing to allow the sale of flavored tobacco products to adults. (ROLL CALL VOTE)

6c. p185 1. Receive informational update relating to the status of Town-wide undergrounding of utilities; and, 2. Directing staff to set a public hearing date of July 14, 2020 for the creation of a Rule 20A Underground Utility District consisting of all parcels with property boundaries along On-System Federal-Aid Arterials and Collectors. (ROLL CALL VOTE)

6d. p190 1. Consider concurring with staff's recommendation for a firm to perform services relating to the Paradise Broadband Feasibility Study (the firm will be announced at the Council meeting); and authorize the Town Manager to execute a Professional Services Agreement approved by the Town Attorney. (ROLL CALL VOTE)

6e. p192 Council Members Jones and Schuster, the Planning Commission Interview Panel, recommend the following:

1 Concurring with the recommendation of the interview panel: and, 2. Appoint applicant Lynn Costa to fill the current vacancy created by the resignation of Shannon Costa, effective immediately expiring June 30, 2023; and, appoint Ronald Lassonde and Zeb Reynolds to fill the other two terms effective July 1, 2020 to expire June 30, 2024. (ROLL CALL VOTE)

6f. p193 1. Consider directing staff to issue a request for proposals for professional investment portfolio management; and, 2. Consider directing staff to draft policies concerning the prudent use of the PG&E settlement monies which are anticipated to be received next fiscal year. (ROLL CALL VOTE)

## 7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items
7b. Council reports on committee representation
7c. Future Agenda Items

## 8. STAFF COMMUNICATION

8a. Town Manager Report
- Community Development Director

## 9. CLOSED SESSION

9a. Pursuant to Government Code Section 54956.9(a), the Town Council will hold a closed session with the Town Attorney and Town Manager concerning the following pending court case:

Blue Oaks Terrace Neighborhood Advisory Committee v. Town of Paradise,Town of Paradise Town Council and Anderson Brothers Corporation, County of Butte Superior Court Case No. 20CV01082.

## 10. ADJOURNMENT

10a. Adjourn to June 30, 2020 at 9:00 a.m., Paradise Town Hall, 5555 Skyway, Paradise, CA for the purpose of holding a regular adjourned meeting pursuant to Government Code Section 54955.

STATE OF CALIFORNIA ) SS.
COUNTY OF BUTTE )

I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:

_____

_____
TOWN/ASSISTANT TOWN CLERK SIGNATURE

**Town of Paradise**
**Council Agenda Summary**
**June 9, 2020**

**Agenda Item: 6(b)**

**Originated by:** Colette Curtis, Assistant to the Town Manager

**Reviewed By:** Lauren Gill, Town Manager

**Subject:** Flavored Tobacco Products

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## Council Action Requested:

1. Consider prohibiting the sale of flavored tobacco products in the Town of Paradise; and, 2. Consider waiving the entire reading of proposed Ordinance No.___ and approve reading by title only; and, 3. Consider introducing Ordinance No.- ___ an Ordinance of the Town Council of the Town of Paradise California, prohibiting the sale of flavored tobacco products. (ROLL CALL VOTE)

## Background:

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. Over the last year, many cities in the State of California have chosen to ban the sale of flavored tobacco in an attempt to discourage young people from vaping and smoking at an early age and forming what can be a life-long addiction. More recently, the Oroville City Council banned the sale of flavored tobacco, with other cities within our Butte County considering similar action.

At the February 11, 2020 Council Meeting, Council Member Melissa Schuster asked for the issue of flavored tobacco/vaping be brought back to Council for consideration. This item was brought to the March 10, 2020 meeting, where Council heard a presentation from Butte County Public Health. At that time, Council asked staff to bring back more information about what other cities are doing as well as a draft ordinance for consideration.

## Discussion:

As of this meeting, the City of Oroville has banned flavored tobacco products, and the City of Chico has moved to form a committee to study banning flavored tobacco products through a Tobacco Retail License. The Cities of Biggs, Gridley and Butte County have not taken any action on this subject. Many of the cities in California that have banned flavored tobacco products have done so through a Tobacco Retail License (TRL).

It is the advice of Public Health Agencies, including Butte County Public Health that flavored tobacco products are a "kid's menu" for the tobacco industry and target children who would otherwise not smoke. Butte County Public Health notes on their website "Young people are much more likely to use candy and fruit flavored tobacco products than adults. Smokers who start at a younger age are more likely to develop a severe nicotine addiction."

The Paradise Police Chief supports a ban on flavored tobacco products, citing the concern that Paradise may become a destination for kids to purchase flavored tobacco products now that other local cities have banned them. Chief Reinbold has not seen any increase in crime connected to locations selling flavored tobacco products.

Staff has reached out to the owners of several local businesses that sell flavored tobacco products. The owner of the Paradise Smoke Shop met with staff to discuss the effects the proposed ban would have on his business. Approximately 35% of his business is selling vaping products which includes vape pens and kits as well as vape juice. The remaining 65% of his business deals with cigarettes and cigars. Only about 1% of the vape juice sold in his business is non-flavored. He also expressed that all customers are asked to show ID when they enter the Smoke Shop, with no one under the age of 21 allowed in the store. In the past three months only one person under the age of 21 tried to enter the store and was denied entry. The business owner expressed his concern over the proposed ban due to the financial effect it would have on his business.

Several other calls have been made to additional businesses, and the results of that outreach will be discussed during the June Council Meeting during the staff presentation of this item.

## Options

There are several options for Council to consider regarding banning flavored tobacco products.

1. **Create a Tobacco Retail License for businesses in the Town of Paradise which also bans the sale of flavored tobacco products.**

Creating a Tobacco Retail License (TRL) is one way of regulating the sale of tobacco products. Having a TRL requires any business selling tobacco products to obtain this additional license and spells out the ban on flavored tobacco products. Violating the ban on flavored tobacco products would result in fines as well as the revocation of the TRL, which would have serious ramifications for a business.

2. **Ban the sale of flavored tobacco products without creating a Tobacco Retail License.**

A ban on flavored tobacco products can be achieved without the additional layer of a Tobacco Retail License. By banning the sale by ordinance, any violations of the ordinance would be addressed through the administrative citation process. This would

be similar to the way butane sales are regulated currently by ordinance in the Town of Paradise.

3. **Ban the sale of flavored tobacco products, with the exception of menthol flavored products.**

Most cities that have banned flavored tobacco products have included menthol flavored products. Menthol flavored tobacco products are considered "flavored" but are also generally considered to be geared more towards adults than children.

4. **Take no action, thereby continuing to allow the sale of flavored tobacco products to adults.**

The law currently only allows tobacco products, regardless of flavor, to be sold to adults over the age of 21. Taking no action would place the burden on existing law and enforcement of this law in our community.

## Staff Recommendation

Staff recommends Option 2 – banning the sale of flavored tobacco products, without creating a Tobacco Retail License. Since the Town already requires business licenses for businesses that would be selling tobacco products, an additional license would be an unnecessary extra step---creating more hurdles for businesses. The administrative citation process is already in place for enforcement. Banning the sale of flavored tobacco products would put Paradise in line with what many cities are doing and follows the recommendations of the Paradise Police Chief and Butte County Public Health.

## Fiscal Impact Analysis:

There is no fiscal impact directly related to this item. The Town may see a small decrease in sales tax associated with the decrease in sales within Town limits.

**TOWN OF PARADISE**
**ORDINANCE NO. ____**

**ORDINANCE OF THE TOWN OF PARADISE AMENDING SECTION 8.46.020 OF THE PARADISE MUNICIPAL CODE AND ADDING SECTION 8.46.025 TO THE PARADISE MUNICIPAL CODE RELATING TO PROHIBITING THE SALE OF FLAVORED TOBACCO**

**WHEREAS,** tobacco use remains the leading cause of preventable death in the United States, killing more than 480, 000 people each year. It causes or contributes to many forms of cancer, as well as heart disease and respiratory diseases, among other health disorders. Tobacco use remains a public health crisis of the first order, in terms of the human suffering and loss of life it causes. the financial costs it imposes on society, and the burdens it places on our health care system; and

**WHEREAS,** flavored tobacco products are commonly sold by California tobacco retailers. For example: 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of stores that sell little cigars sell them in flavored varieties; 84.2% of stores that sell electronic smoking devices sell flavored varieties; and 83.8% of stores that sell chew or snus sell flavored varieties; and

**WHEREAS,** each day, approximately 2,500 children in the United States try their first cigarette; and another 8,400 children under 18 years of age become new regular, daily smokers. 81% of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products. As tobacco companies well know, menthol, in particular, cools and numbs the throat to reduce throat irritation and make the smoke feel smoother, making menthol cigarettes an appealing option for youth who are initiating tobacco use. Tobacco companies have used flavorings such as mint and wintergreen in smokeless tobacco products as part of a "graduation strategy" to encourage new users to start with tobacco products with lower levels of nicotine and progress to products with higher levels of nicotine. It is therefore unsurprising that young people are much more likely to use menthol-, candy and fruit-flavored tobacco products, including not just cigarettes but also cigars, cigarillos, and hookah tobacco, than adults. Data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle school and high school smokers report using flavored little cigars or flavored cigarettes. Further, the Centers for Disease Control and Prevention has reported a more than 800% increase in electronic cigarette use among middle school and high school students between 2011 and 2015. Nicotine solutions, which are consumed via electronic smoking devices such as electronic cigarettes, are sold in thousands of flavors that appeal to youth, such as cotton candy and bubble gum; and

**WHEREAS,** much as young people disproportionately use flavored tobacco products including menthol cigarettes, the same can be said of certain minority groups. In one survey, the percentage of people who smoke cigarettes that reported smoking menthol cigarettes in the prior month included, most dramatically, 82.6% of Blacks or African-Americans who smoke cigarettes. The statistics for other groups were: 53.2% of Native Hawaiians or other Pacific Islanders who smoke cigarettes; 36.9% of individuals with multiracial backgrounds who smoke cigarettes; 32.3% of Hispanics or Latinos who smoke cigarettes; 31.2% of Asians who smoke cigarettes; 24.8% of American Indians or Alaska Natives who smoke cigarettes; and 23.8% of Whites or Caucasians who smoke cigarettes. People who identify as LGBT and young adults with mental health conditions also struggle with disproportionately high rates of menthol cigarette use. The disproportionate use of menthol cigarettes among targeted groups, especially the extremely high use among African-Americans, is troubling because of the long-term adverse health impacts on those groups; and

**WHEREAS,** between 2004 and 2014, overall smoking prevalence decreased, but use of menthol cigarettes increased among both young adults (ages 18-25) and other adults (ages 26+). These statistics are consistent with the finding that smoking menthol cigarettes reduces the likelihood of successfully quitting smoking. Scientific modeling has projected that a national ban on menthol cigarettes could save between 300,000 and 600,000 lives by 2050.

**NOW THEREFORE, the Town Council of the Town of Paradise does ordain as follows:**

**SECTION 1.** Paradise Municipal Code Section 8.46.020 [Definitions] is hereby amended to include as follows:

**"**Characterizing flavor**"** means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcohol beverage, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a characterizing flavor.

**"**Flavored tobacco product**"** means any tobacco product that imparts a characterizing flavor.

**SECTION 2.** Section 8.46.025 is hereby added to the Paradise Municipal Code to read as follows:

**8.46.025 Sale or offer for sale of flavored tobacco products prohibited.**

(a)The sale or offer for sale, by any person, business or entity of any flavored tobacco product is prohibited and no person, business or entity shall sell, or offer for sale, any flavored tobacco product.

(b)There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.

**SECTION 3.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

**PASSED AND ADOPTED BY THE** Town of Paradise on this ___ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

_____
Greg Bolin, Mayor

ATTEST:

_____
DINA VOLENSKI, CMC, Town Clerk

APPROVED AS TO FORM:

_____
DWIGHT L. MOORE, Town Attorney

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Alameda** Ordinance No. 3230 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: November 27, 2018 Effective: July 1, 2019 Enforced: July 1, 2019 | None | No TRLs may be issued to a pharmacy<br><br>No TRLs may be issued within 300 feet of a youth populated area<br><br>No TRL's may be issued within 500 feet of another tobacco retailer<br><br>The total number of TRLs within the city shall be limited to one for each 2,500 inhabitants of the city<br><br>No tobacco retailers shall honor or redeem a coupon to allow a consumer to purchase a tobacco product for less than full price, sell a tobacco product through a multi-package discount, provide free or discounted items, or sell a tobacco product for less than full retail price<br><br>Cigars and little cigars must be sold in packages of at least five<br><br>Sets a minimum price of $7 per package of cigarettes and $5 for cigars | The City's Planning, Building and transportation Department or any other City department shall inspect each tobacco retailers for compliance<br><br>A violation of the provisions of this chapter within any five-year period may result in:<br><br>1. A fine of $1500 for a first violation<br>2. A 15 day suspension of the tobacco retail license for a second violation<br>3. A 30 day suspension of the tobacco retail license for a third violation<br>4. A license will be revoked for a fourth violation | No |
| **Albany** Ordinance No. 2019-04 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: April 15, 2019 Effective: October 16, 2019 | None | No tobacco retailers shall allow a consumer to purchase tobacco for less than full retail price through a coupon, multi-package discount, or provide a tobacco products for free<br><br>No retailer shall sell:<br>1. Any little cigar unless it is sold in a package of at least twenty little cigars or<br>2. Any cigar unless it is sold in a package of at least six cigars (this does not apply to a cigar that has a price of at least $8.00 per cigar, including all fees and taxes)<br><br>No retailers shall sell cigarettes, little cigars, or a single cigar at a price that is less than $8.00, including all applicable fees and taxes<br>*the minimum price shall be adjusted annually by increments of $.25 in proportion with the Consumer Price Index | The City of Albany Police Department is responsible for enforcing this ordinance<br><br>A tobacco retailer's license shall be revoked if the licensee is found to have violated any of the provisions of this chapter<br><br>After revocation at a location within any 60-month period:<br>1. No new license may be issued at a location for 30 days after a first violation<br>2. No new license may be issued at a location for 90 days after a second violation and the retailer will be subject to a $250 fine<br>3. No new license may be issued at a location for one year after a third violation and the retailer will be subject to a $500 fine<br>4. No new license may be issued at a location for five years after four or more violations and the retailer will be subject to a $1000 fine | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Berkeley**<br>Ordinance No. 7,672-N.S.<br><br>Municipal Code Chapter 9.80 | Prohibits the sale of flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: September 2015<br>Effective: January 1, 2017<br>Enforced: January 1, 2020<br>Updated: July 23, 2019 | None | No new TRL may be issued to a pharmacy or renewed by a pharmacy<br><br>No new TRL may be issued within 600 feet of school<br><br>Little cigars must be sold in packages of at least 20 and cigars must be sold in packages of at least 6<br><br>No tobacco retailer may sell cigarettes at a price less than $8 per package of 20 cigarettes, little cigars at a price less than $8 per package of little cigars, and cigars at a price less than $7 per cigar, including all taxes and fees (the established minimum prices shall be adjusted annually<br><br>Tobacco retailers may not honor or redeem coupons, sell tobacco products through a multi-package discount, or provide free or discounted tobacco products | Environmental Health staff is responsible for enforcement<br><br>A violation of the provisions of this chapter within any five-year period may result in:<br><br>1. The suspension of a license for up to 30 days for a first violation<br>2. The suspension of a license for up to 90 days for a second violation<br>3. The suspension of a license for up to one year for a third violation<br>4. The revocation of a license upon the fourth violation | Grace period of 3 years of effective date for retailers with "good cause showing" |
| **Beverly Hills**<br>Ordinance No. 18-2758<br><br>Municipal Code Chapter 4-2-21 | Prohibits the sale of all tobacco products, including flavored and menthol flavored tobacco products, within the city limits | All tobacco products | Yes | Adopted: August 21, 2018<br>Effective: September 21, 2018<br>Enforced: December 21, 2018 | None | The flavors policy is enforced through a TRL that must be paid annually | A violation of the provisions of this chapter will result in:<br>1. A civil penalty fine of $250 for a first violation within any five year period<br>2. The suspension of the TRL for 90 days and a civil penalty fine of $750 for a second violation within a five year period<br>3. The revocation of the TRL and a civil penalty fine of $1,000 for a third violation within a five year period | No |
| **Capitola**<br>Ordinance No. 1031<br><br>Municipal Code Section 8.38.130 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: July 25, 2019<br>Enforced: January 1, 2020 | None | No new TRL may be issued within 1,000 feet of a school and/or a public library | A violation of the provisions of this chapter within six months of the first violation will result in:<br><br>1. A fine of $100 and the suspension of the TRL for up to 30 days for a first violation<br>2. A fine of $200 and the suspension for the TRL for 90 days for a second violation<br>3. A fine $400 and the revocation of the TRL for a third violation<br>4. A fine of $800 for the fourth and each subsequent violation<br><br>This policy will be enforced by the Chief of Police or designee | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Cloverdale** Municipal Code Chapter 8.08 | Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits | All flavored tobacco products (excluding menthol flavored tobacco products) | No | Adopted: December 12, 2017 | Menthol tobacco products, including cigarettes, are not included in the restrictions | Smoking (including tobacco and marijuana) is prohibited in enclosed places of employment, public places, sports arenas, and multi-unit residence common areas; and unenclosed places of employment, recreational areas, service areas, outdoor dining areas, public places, and multifamily residence common areas<br><br>No tobacco retailers shall sell any single cigar or any package of cigars containing fewer than five cigars (does not apply to the sale of single cigars if the price exceeds $5)<br><br>Pharmacies may not sell tobacco products | Any person or business that violates the provisions of this chapter shall be guilty of an infraction, publishable by:<br><br>1. A fine not exceeding $100 for a first violation<br>2. A fine not exceeding $200 for a second violation within one year<br>3. A fine not exceeding $500 for each additional violation within five years | No |
| **Contra Costa County** Ordinance No. 2017-01<br><br>Municipal Code Chapter 445-2 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within 1,000 feet of schools (public and private), parks, playgrounds and libraries in the unincorporated areas of the county | All flavored tobacco products | Yes | Adopted: July 18, 2017 Effective: August 1, 2017 Enforced: January 1, 2018 | Only applies to retailers within 1,000 feet of schools, parks, playgrounds and libraries | No new tobacco retail licenses may be issued in pharmacies<br><br>Little cigars must be sold in packs of at least 10, and cigarillos must be sold in packs of at least 10 unless the sales price of one cigar is over $5<br><br>No new tobacco retail licenses will be granted to businesses located within 1,000 feet of schools, parks playgrounds or libraries, or within 500 feet of another business that sells tobacco<br><br>Sets a cap on the total number of tobacco retailers<br><br>Prohibits the redemption of coupons or redemptions<br><br>Smoking is prohibited in specified enclosed and unenclosed areas and in all multi-unit residence areas, with some exceptions | A violation of the provisions of this chapter will result in:<br><br>1. The suspension of the TRL for up to 30 days for a first violation<br>2. The suspension of the TRL for up to 90 days for a second violation that occurs within five years after the first violation<br>3. The suspension of the TRL for up to one year for a third violation and for each subsequent violation that occurs within five years after the first violation | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Corte Madera** Ordinance No. 983 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: March 19, 2019 Effective: April 18, 2019 Enforced: January 1, 2020 | None | Prohibits the sale of:<br>1. any single cigar ,whether or not packaged for individual sale<br>2. any number of cigars fewer than then number contained in the manufacturer's original consumer packaging designed for retail sale<br>3. any package of cigars containing fewer than five cigars (this does not apply to the sale of a single cigar for which the retail price exceeds $5)<br><br>No new tobacco retail licenses may be issued in pharmacies | Compliance is monitored by the Town Manager Any peace officer may enforce the penal provisions of the policy.<br><br>A violation of the provisions of this chapter will result in:<br>1. The issuance of a warning for a first violation<br>2. The suspension of the license for 30 days for a second violation within a 60-month period<br>3. The suspension of the license for 90 days for a third violation within a 60-month period<br>4. The suspension of the license for one year for a fourth violation within a 60-month period<br>5. The revocation of a license for five or more violations within a 60-month period | No |
| **El Cerrito** Ordinance No. 2015-08<br><br>Municipal Code 6.100.160 | Prohibits the sale of all flavored, non-cigarette tobacco products, including menthol flavored non-cigarette tobacco products, within the city limits | All flavored non-cigarette tobacco products (excludes menthol cigarettes) | Yes (only for non-cigarette tobacco products) | Adopted: October 2015 Effective: January 1, 2016 Enforced: October 2017 | Menthol cigarettes are not included in the restrictions | No new licenses may be issued to authorize tobacco retailing within 500 feet of schools, youth sensitive locations (parks and playgrounds, libraries), residential zones, or other tobacco retailers (tobacco retailers already in operation are exempt)<br><br>No new licenses may be issued to authorize tobacco retailing within 1,000 feet of another tobacco retailer (tobacco retailers already in operation are exempt)<br><br>Single cigar sales prohibited (except single cigars over $5), a package of cigars must have at least five cigars<br><br>Tobacco samples & coupons prohibited (except as allowed in adult-only businesses per state and federal law)<br><br>Hookah lounges, cigar lounges, vape shops, or similar establishments are prohibited within the city limits<br><br>New tobacco retailers may not operate as a "Significant Tobacco Retail Establishment" (use over 20% of the store display area for or derive over 50% of gross sales receipts from tobacco products or smoking paraphernalia) (existing tobacco retailers may seek an exception)<br><br>Imitation tobacco products also included in prohibition | Compliance is monitored and enforced by the City's Community Development Department, in conjunction with the El Cerrito Police Department<br><br>A violation of the provisions of this chapter within a five year period will result in the suspension of a license for:<br>1. 10 days for first violation<br>2. 30 days for second violation<br>3. 60 days for third violation<br>4. Upon the fourth or more violations the license shall be revoked | Existing establishments within a certain distance of schools, youth sensitive areas and other tobacco retailers are allowed to continue to sell flavored tobacco products until January 1, 2018 but they must comply with all other TRL requirements |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Fairfax**<br>Ordinance<br><br>Municipal Code 8.44.210 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: December 6, 2017<br>Effective: December 6, 2018<br>Enforced: January 1, 2019<br>Updated: September 4, 2019<br>Effective: September 1, 2020 | None | It shall be a violation to sell, offer for sale, or exchange for any form of consideration:<br><br>1. Any single cigar, whether or not packaged for individual sale<br>2. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer<br>3. Any package of cigars containing fewer than five cigars<br><br>*(This does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds $5)<br><br>Prohibits the sale of tobacco products in pharmacies | Regulations shall be monitored by the Town Manger and the Marin County Tobacco Program<br><br>A violation of the provisions of this chapter within any 60-month period may result in:<br><br>1. A 30 day suspension of a license for a first violation of this article<br>2. A 90 day suspension of a license for a second violation of this article<br>3. A one year suspension for a third violation of this article | No |
| **Half Moon Bay**<br>Municipal Code Section 7.60.120 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: October 2018<br>Effective: April 1, 2019 | None | No tobacco retail permits may be issued to new or existing pharmacies (this provision effective April 1, 2019)<br><br>No tobacco may be sold from a vending machine<br><br>No person shall distribute free tobacco products or coupons for tobacco products | The ordinance will be enforced by the county of San Mateo, its officers, employees and agents<br><br>A violation of the provisions of this chapter may result in:<br><br>1. A suspension of the license for up to 30 days for the first violation<br>2. A suspension of the license for no less than 30 days and up to 90 days for the second violation of the ordinance within 24 months of the first determination<br>3. A suspension of the license for no less than 90 days and up to one year for the third and each subsequent violation of the ordinance within 24 months of a prior determination | No |
| **Hayward**<br>Municipal Code Sec. 10-1.2780 | Prohibits the sale of flavored tobacco products with the exception of menthol flavored cigarettes within a 500-foot radius of schools (public and private kindergarten, elementary, middle, junior high or high school) for *new* tobacco retailers (established after the passage of this policy) within the city limits | All flavored non-cigarette tobacco products, (excludes menthol cigarettes) | Yes (only for non-cigarette tobacco products) | Adopted: July 1, 2014<br>Effective: August 1, 2014 | Menthol cigarettes are not included in restrictions<br><br>Retailers that sold products before provisions took effect are exempt<br><br>Restrictions only apply to retailers within 500 feet of schools | Prohibits the sale of cigar packages containing fewer than 5 cigars or a single cigar (unless the retail price exceeds $5)<br><br>No new tobacco retailers or new sales of flavored tobacco within 500 feet of a public or private K-12 school<br><br>Vapor bars, lounges, smoking device bars, electronic smoking device lounges, and hookah bars and lounges are prohibited in all zoning districts<br><br>Imitation tobacco products also included in prohibition | Regulations are enforced by the City's Planning Director, in conjunction with the City's Code Enforcement Division and the Hayward Police Department<br><br>Any Tobacco Retail Sales Establishment that violates regulations in ordinance three times within a three-year period shall be subject to revocation of its tobacco retail license and/or its conditional use permit | Retailers selling flavored tobacco products prior to the ordinance effective date are exempt |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Hermosa Beach** Ordinance No. 18-1389 | Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits | All flavored tobacco products | Yes | Adopted: January 8, 2019 Effective: June 1, 2019 | Flavored tobacco products may still be sold in stores that permits only patrons 21 years of age or older to enter | Tobacco retailers must be located at least 500 feet from a youth-populated area<br><br>No license may be issued to authorize tobacco retail licensing at farmers' markets, special temporary events, or mobile carts<br><br>A TRL may not be issued to a pharmacy<br><br>No TRL may be issued for businesses licensed to serve alcohol<br><br>Minimum pack size requirement of 20 for little cigars | Compliance checks shall be conducted by any member of the Hermosa Beach Code Enforcement Department, Police Department, the California Department of Health Services, the California Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees<br><br>Tobacco Retailer's license shall be suspended or revoked for a violation of any provision of this chapter | No |
| **Lafayette** Ordinance No. 675 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: May 28, 2019 Effective: August 26, 2019 | None | No tobacco retailer shall:<br>1. honor a redeem a coupon to allow a consumer to purchase tobacco for less than full price<br>2. sell a tobacco product through a multiple-package discount or for less than the full retail price<br>3. provide free or discounted items to a consumer<br><br>Prohibits the sale of tobacco products in pharmacies<br><br>The total number of tobacco retailer licenses within the city is limited to 1 for each 2,500 inhabitants of the city<br><br>All tobacco sales shall be conducted in-person and tobacco products may not be delivered to the consumer | Compliance will be monitored by an agency or department designated by the city manager, or a peace officer<br><br>Any violation of the TRL within a 5-year period may result in:<br>1. The suspension of a license for 30 days for a first violation<br>2. The suspension of a license for 90 days for a second violation<br>3. The suspension of a license for up to one year without the possibility for renewal for a year for a third violation<br>4. The revocation of a license for the fourth or more violations | Some tobacco retailers operating lawfully at the date of this chapter may apply for an additional 180 days before terminating sale of flavored tobacco products |
| **Larkspur** Ordinance No. 1037 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: April 3, 2019 Effective: May 3, 2019 Enforced: January 1, 2020 | None | Establishes a minimum pack size of five for cigars, little cigars and cigarillos and prohibits the sale of a single cigar or any number of cigars fewer than the number contained in the original packaging (this does not apply to the sale of a single cigar for over $5)<br><br>Prohibits the sale of tobacco products in pharmacies | Compliance will be monitored by the City Manager and the Marin County Tobacco Program<br><br>Any violation of the TRL within a 60-month period may result in:<br>1. A warning for a first violation<br>2. The suspension of a license for 30 days for a second violation<br>3. The suspension of a license for 90 days for a third violation<br>4. The suspension of a license for one year for a fourth violation<br>5. The revocation of a license for the fifth or more violations | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Livermore** Ordinance No. 2088 | Prohibits the sale of all electronic smoking devices and other flavored tobacco products, including menthol flavored tobacco products, within the city limits | All electronic smoking devices and other flavored tobacco products | Yes | Adopted: July 8, 2019 Referendum Vote: March 3, 2020 | None | The sale of electronic smoking devices or electronic smoking device fluid is prohibited<br><br>No tobacco retailing license shall be issued or existing license renewed within 1,000 feet of a youth populated area | Compliance shall be monitored by the Livermore Police Department or any other City designee<br><br>Any violation of the TRL within a 5-year period may result in:<br>1. The suspension of a license for 30 days for a first violation<br>2. The suspension of a license for one year for a second violation<br>3. The revocation of a license for a third or more violations<br><br>The licensee may request an alternative to these penalties for a first or second violation of this chapter, which includes:<br>1. The cessation of all tobacco retailing and removal of all tobacco products from public view for one day, a payment of $1,000, and the admission that the violation occurred for the first violation<br>2. The cessation of all tobacco retailing and removal of all tobacco products from public view for 10 days, a payment of at least $5,000, and the admission that the violation occurred for the second violation<br>3. | No |
| **Los Angeles County** Ordinance No. | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county | All flavored tobacco products | Yes | Adopted: October 1, 2019 Effective: November 1, 2019 Enforced: May 4, 2020 | None | Tobacco sales are restricted to licensed tobacco only shops<br><br>Establishes a minimum pack size of 20 for little cigars or cigarillos, and these products may not be sold individually<br><br>Prohibits the sale of tobacco products in pharmacies | Compliance shall be monitored by the Los Angeles County Department of Public Health or any law enforcement officer<br><br>Any violation of the TRL within a 5-year period may result in:<br>1. The suspension of the license for up to 30 days for a first violation<br>2. The suspension of the license for up to 90 days for a second violation<br>3. The suspension of the license for up to 120 days for a third violation<br>4. The revocation of the license for a fourth violation | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Los Gatos** Ordinance No. 2259 | Limits the sale of flavored tobacco products, including menthol flavored tobacco, to adult-only tobacco stores within the city limits | All flavored tobacco products | Yes | Adopted: May 16, 2017 Effective: January 1, 2018 | Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited | TRL language is a replica of the Santa Clara County TRL<br><br>Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel)<br><br>Prohibits the sale of tobacco products in pharmacies<br><br>Prohibits new tobacco retailing within 1,000 feet of a school<br><br>Prohibits any new tobacco retailers within 500 feet of another tobacco retailer<br><br>Limits storefront advertising to no more than 15% of the window and clear doors | Compliance will be monitored by the Town or its Designee; a peace officer may enforce the provisions in this policy<br><br>Any violation of the TRL within a 12-month period may result in:<br>1. A fine not to exceed $100 for a first violation<br>2. A fine not to exceed $200 for a second violation<br>3. A fine not to exceed $500 for each additional violation<br><br>For any violation of the TRL within a 24-month period, permit suspension includes:<br>1. Permit suspension for up to 30 calendar days for a first violation<br>2. Permit suspension for up to 90 calendar days for a second violation<br>3. Permit suspension for up to one year for each additional violation | No |
| **Manhattan Beach** Ordinance No. 15-0020<br><br>Municipal Code 4.118.030 | Limits the sale of flavored tobacco, with the exception of menthol flavored tobacco products, to adult-only tobacco stores with the city limits | All flavored tobacco products (excludes menthol flavored tobacco products) | No | Adopted: December 2015 Effective: January 1, 2016 | Flavored tobacco products may still be sold in adult-only tobacco stores<br><br>Menthol tobacco products are not included in the prohibition | No tobacco retailer permit may be issued within 500 feet of a school or an existing retailer | The retail permit may be revoked or suspended for two or more violations within a 36-month period | No |
| **Marin County** Ordinance No. 3698 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county | All flavored tobacco products | Yes | Adopted: November 6, 2018 Effective: December 5, 2018 Enforced: July 1, 2019 (Non-Tobacco Stores) July 1, 2020 (Tobacco Stores) | None | It is unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco products in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from the County of Marin for each location where these sales are conducted | Enforcement shall be conducted by the Marin County Dept. of Health and Human Services<br><br>A violation of the provisions of this chapter may result in:<br>1. An administrative citation and fine not less than $200 for a first violation<br>2. An administrative citation and fine not less than $500/violation for subsequent violations | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Mono County**<br>Ordinance No. 18-03<br><br>Municipal Code 7.92.070 | Prohibits the sale of all flavored e-liquids, including menthol flavored e-liquids, within the unincorporated areas of the county | All flavored e-liquids (excludes all other flavored tobacco products) | Yes (only for menthol-flavored e-liquids) | Adopted: April 17, 2018<br>Effective: May 17, 2018 | Does not include flavored tobacco products other than e-liquids | Prohibits smoking in all areas where smoking is prohibited by state or federal law, as well as county vehicles, public parks recreational areas, service areas, dining areas and public places when used for a public event<br><br>Smoking may not occur closer than 20 feet outside any enclosed area and from entrances, windows, or ventilation systems<br><br>* Limited flavored e-liquid sales policy is set to sunset in October 2019 and a complete ban on all flavored tobacco and menthol products will become effective<br><br>Policy is not attached to a TRL | The Mono County Public Health Director or his/her designee is authorized to enforce this ordinance and to refer enforcement to the Mono County Code Compliance Division<br><br>Any person or business found in violation of any provision of this Chapter shall be guilty of an infraction and subject to a fine of:<br><br>1. $100 for the first violation<br>2. $200 for the second violation<br>3. $500 for any subsequent violation | No |
| **Novato**<br>Ordinance No. 1615<br><br>Municipal Code 7-8 | Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits | All flavored tobacco products, including marijuana (excludes menthol flavored tobacco products) | No | Adopted: January 31, 2017<br>Effective: January 1, 2018<br>Enforced: January 1, 2019 | Menthol tobacco products are not included in the prohibition<br><br>Flavored tobacco products may be sold if the product is:<br>1. a package of cigars containing at least five cigars<br>2. a single cigar for which the retail price exceeds five dollars<br>3. pipe tobacco<br>4. a package of chewing tobacco or snuff containing at least five units or more | Minimum pack size requirements prohibit the sale of:<br>1. A single cigar (unless the price of the single cigar exceeds $5)<br>2. A package of cigars containing fewer than five cigars, or any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer<br><br>No pharmacies may sell tobacco products<br><br>Policy includes flavored marijuana | Compliance will be monitored by the Department or other designated agency<br><br>Any violation of this chapter within a 60-month period may result in:<br><br>1. A warning for a first violation<br>2. The suspension of a license for 30 days for a second violation<br>3. The suspension of a license for 90 days for a third violation<br>4. The suspension of a license for one year for a fourth violation<br>5. The revocation of a license for the fifth or more violations | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Oakland**<br>Municipal Code 5.91 | Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits | All flavored tobacco products | Yes | Adopted: September 19, 2017<br>Effective: July 1, 2018 | Flavored tobacco products may still be sold in adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors under the age of 18 unless accompanied by a parent or legal guardian, and do not sell food or alcoholic beverages | An amendment allows clerks aged 18 and older to sell tobacco<br><br>Tobacco retailers may not sell tobacco products at a discount less than full retail price, including honoring or redeeming coupons | The City designates the Oakland Police Department to enforce this Ordinance<br><br>A violation of this Chapter at a location within any 60-month period may result in:<br>1. An agreement to stop acting as a Tobacco Retailer for at least one day and a settlement payment to the City of at least $1,000 for a first violation<br>2. An agreement to stop acting as a Tobacco Retailer for at least ten days and a settlement payment to the City of at least $5,000 for a second violation<br>3. No new license may be issued until five years have passed from the date of the violation for a third or subsequent violation | No |
| **Palo Alto**<br>Ordinance No. 5418<br><br>Municipal Code 4.64.030 | Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits | All flavored tobacco products | Yes | Adopted: October 2, 2017<br>Effective: January 1, 2019 | Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited | TRL language is a replica of the Santa Clara County TRL<br><br>Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel)<br><br>Prohibits the sale of tobacco products in pharmacies<br><br>Prohibits new tobacco retailing within 1,000 feet of a school<br><br>Prohibits any new tobacco retailers within 500 feet of another tobacco retailer | Compliance will be monitored by the City or its Designee, and any peace officer may enforce the penal provisions of the ordinance<br><br>A violation of the provisions of this chapter may result in:<br>1. A fine not to exceed $100 (within a 12-month period) and a suspension up to 30 days (within any 24-month period) for a first violation<br>2. A fine not to exceed $200 (within a 12-month period) and a suspension of the retailer permit for up to 90 days (within any 24-month period) for a second violation<br>3. A fine not to exceed $500 (within a 12-month period) and the suspension of the retailer permit for up to one year (within any 24-month period) for each additional violation | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Portola Valley** Ordinance No. 2018-425 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: September 12, 2018 Effective: October 11, 2018 January 1, 2019 | None | No existing or new pharmacies may sell tobacco products | Compliance monitored will be conducted through the Environmental Health Division of San Mateo County Health Department<br><br>Penalties for violation of this ordinance include:<br>1. A suspension of the TRL for up to 30 days and a fine not exceeding $100 for the first violation<br>2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding $200 for the second violation within 24 months of the first violation<br>3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding $500 for the third violation and subsequent violations | None |
| **Richmond** Ordinance No. 20-18 N.S.<br><br>Municipal Code 7.106 | Prohibits the sale of all electronic smoking devices and other flavored tobacco products, including menthol flavored tobacco products, within the city limits | All electronic smoking devices* and other flavored tobacco products<br><br>*until approved by the FDA | Yes | Adopted: July 17, 2018 Effective: April 17, 2019 E-cigarette ban adopted: September 10, 2019 E-cigarette ban Enforced: January 1, 2020 | None | No e-cigarettes may be sold in stores and online with the city<br><br>The ordinance establishes a minimum pack-size of 20 cigars and cigarillos, except for single cigars that sell for more than $5 each, and prohibits the sale of any single little cigar or cigar<br><br>Prohibits new tobacco retailers from opening within 500 feet of existing tobacco retailers and 1,000 feet from a school, park, playground or library | Compliance will be monitored by the Richmond Police Department<br><br>A tobacco retail license shall be revoked if the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions in the municipal code. The enforcement agency may also enforce through administrative fines | Existing tobacco retailers not in line with the distance requirement for tobacco retailers from schools and other tobacco retailers are grandfathered in unless the business changes ownership |
| **Sacramento** Ordinance No. 2019-0012 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: April 16, 2019 Effective: January 1, 2020 | None | No new tobacco retail licenses shall be issued or existing licenses renewed to authorize tobacco retailing within 1,000 feet of another tobacco retailer | Penalties for violation of ordinance within a 5 year period include:<br>1. The suspension of a license for 30 days for a first violation<br>2. The suspension of a license for 90 days for a second violation<br>3. The revocation of a license for a third violation<br><br>Any person violating the provisions of this chapter shall also be liable for civil penalties of not less than $250 or more than $25,000 for each day the violation continues | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **San Anselmo** Ordinance No. | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: March 26, 2019 Effective: April 25, 2019 Enforced: January 1, 2020 | None | The ordinance establishes a minimum pack-size of 5 cigars, little cigars and cigarillos, except for single cigars that sell for more than $5 each, and prohibits the sale of any single cigar, little cigar or cigar<br><br>No existing or new pharmacies may sell tobacco products | Compliance will be monitored by the Finance Department, a designee or a peace officer<br><br>Penalties for violation of this ordinance within a 60-month period include:<br>1. The issuance of a warning for a first violation<br>2. The suspension of a license for 30 days for a second violation<br>3. The suspension of a license for 90 days for a third violation<br>4. The suspension of a license for one year for a fourth violation<br>5. The revocation of a license for the fifth or more violations | No |
| **San Carlos** Ordinance No. 1544 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: April 8, 2019 Effective: May 8, 2019 | None | No existing or new pharmacies may sell tobacco products<br><br>Flavor Policy is not tied to a TRL | The City Manager or designee may enforce this chapter. | No |
| **San Francisco** Ordinance No. 140-17 | Prohibits the sale of all electronic smoking devices and other flavored tobacco products, including menthol flavored tobacco products, within the county limits | All electronic smoking devices* and other flavored tobacco products<br><br>*until approved by the FDA | Yes | Adopted: June 27, 2017 Referendum Vote: June 5, 2018 Effective: July 20, 2018 Enforced: January 1, 2019 | None | No e-cigarettes may be sold in stores and online with the county<br><br>No new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales permits<br><br>No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a school<br><br>No new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing tobacco retailer | Compliance will be monitored through the Director of Health or his or her designee<br><br>For a violation of the ordinance, the Director of Health may suspend a Tobacco Sales Permit:<br><br>1. For a maximum of 90 days of the first violation<br>2. For a maximum of six months for a second violation that occurs within the first 12 months of the first violation<br>3. For a maximum of one year for a third violation if within 12 months of the prior violation | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **San Leandro** Municipal Code 4-36 | Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits (including flavored products that do not contain nicotine) | All flavored tobacco products (excluding menthol tobacco products) | No | Adopted: October 16, 2017 Effective: August 15, 2018 | Menthol tobacco products are not included in the prohibition<br><br>Wholesale companies are excluded from the ordinance if the tobacco products made or distributed in San Leandro are sold by retailers outside the city | No tobacco retailer shall sell, offer for sale, or exchange any<br>1. Single cigar<br>2. Any pack of cigars at a price that is less than $7.00 per five cigars (does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds either five dollars or the dollar amount adopted by resolution of the City Council and adjusted from time to time, whichever is higher) | Compliance will be monitored by the San Leandro Police Department<br><br>Penalties for violation of this ordinance within a 36 month period include:<br>1. A written warning and 30 days to correct violation for the first violation<br>2. A $2,500 fine for a second violation<br>3. A 20 day license suspension for a third violation<br>4. After four or more violations, the license shall be revoked and no new license may issue for the location or tobacco retailer until three years have passed from the date of revocation | No |
| **San Mateo County** Ordinance No. 4799<br><br>Municipal Code 7.41 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county | All flavored tobacco products | Yes | Adopted: June 19, 2018 Effective: July 19, 2018 Enforcement: January 1, 2019 | None | No existing or future pharmacies may sell tobacco products | Compliance will be monitored through the Environmental Health Division of San Mateo County Health Department<br><br>Penalties for violation of ordinance include:<br>1. A suspension of the TRL for up to 30 days and a fine not exceeding $100 for the first violation<br>2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding $200 for the second violation within 24 months of the first violation<br>3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding $500 for the third violation and subsequent violations | No |
| **San Pablo** Ordinance No. 2018-006<br><br>Municipal Code 5.06 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: December 17, 2018 Effective: March 2019 | None | Requires a minimum pack size for cigars (6 per pack), cigarillos (25 per pack) and little cigars (20 per pack)<br><br>Requires a minimum price of $10.00 per cigar | Penalties for violation of ordinance within any 60-month period include:<br>1. A suspension of the license for up to 30 days for a first violation. At the election of the tobacco retailer, the tobacco retailer may pay a penalty of $1000 in lieu of such suspension<br>2. A suspended of the license for one year for a second violation<br>3. The revocation of the license for and the proprietor or proprietors who had been issued the license shall never again be issued a tobacco retailer's license pursuant to this chapter for the third and subsequent violations | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **San Rafael**<br>Ordinance No. 1970<br><br>Municipal Code Chapter 8.15 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: June 3, 2019<br>Effective: January 1, 2021 | None | No person shall place any advertisement or promotion of tobacco products within 500 feet of an elementary, secondary or high school, public playground or public park unless the tobacco product is located inside a commercial establishment, on a vehicle, on a sign located inside or immediately outside a commercial establishment, or on tobacco packaging<br><br>No existing or future pharmacies may sell tobacco products | Compliance will be monitored through the Director of Community Development or designee<br><br>Penalties for violation of ordinance within any 12-month period include:<br>1. The suspension of a license for 90 days unless the permitee submits a training plan for the training of all sales employees in the law pertaining to the sale, advertising, and display of tobacco products to minor, and the permittee files satisfactory evidence that the training in the training plan has been completed for a first violation<br>2. The suspension of a license for 120 days for a second violation<br>3. The suspension of a license for one year upon each subsequent violation<br><br>A license shall be revoked after not less than 10 days' notice if one or more of the bases for denial of a permit exists | No |
| **Santa Clara County**<br>Ordinance No. NS-300.883 | Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores in the unincorporated areas of the County | All flavored tobacco products | Yes (revised in 2016 to include menthol) | Adopted: June 2010<br>Effective: February 2015<br>Amended: October 2016<br>Amended version effective: July 2017 | Revised ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors, do not sell food or beverages, and post a sign outside saying that minors are prohibited | No TRLs may be issued to a retailer containing a pharmacy<br><br>No TRLs may be issued to a retailer within 1,000 feet of a school (existing retailers exempt)<br><br>No TRLs may be issued to a retailer located within 500 feet of another retailer (existing retailers exempt) | Compliance shall be monitored by the Department of Environmental Health<br><br>Penalties for violations of this ordinance within a 12-month period include:<br>1. A fine not to exceed $100 for the first violation within a 12-month period and a license suspension for up to 30 days within any 24-month period<br>2. A fine not to exceed $200 for a second violation within a 12-month period and a license suspension for up to 90 days within any 24-month period<br>3. A fine not to exceed $500 for each additional violation within a 12-month period and a license suspension for up to one year for each additional violation within any 24-month period | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Santa Cruz** Ordinance No. 2018-19<br><br>Municipal Code 6.07 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: November 27, 2018<br>Effective: June 11, 2019<br>Enforced: January 1, 2020 | None | No license shall be issued to authorize tobacco retailing that is within six hundred feet of a high-risk alcohol outlet<br><br>No license shall be issued to authorize tobacco retailing that is within that is within one thousand feet of a school<br><br>*This prohibition shall not apply to a license applicant whose application seeks authorization to conduct tobacco retailing at a location where such retailing was taking place as of January 1, 2014, and has continued without interruption at that location since May 8, 2014 | Every violation of this chapter determined to be an infraction is punishable by:<br>1. A fine not exceeding $100 for a first violation and a license suspension for up to 60 days<br>2. A fine not exceeding $200 for a second violation and the suspension of a license for 120 days<br>3. A fine not exceeding $500 for a third and each additional violation and the suspension of a license for 180 days<br>4. The tobacco retailer's license shall be revoked, and no new license may be issued for the location until five years have passed from the date of revocation upon the fourth and each subsequent violation | No |
| **Santa Cruz County** Ordinance No.5300<br><br>Municipal Code Chapter 5.60 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: June 11, 2019<br>Effective: January 1, 2020 | None | No new license shall be issued to authorize tobacco retailing that is within six hundred feet of a youth-populated area (private or public kindergarten, elementary, middle, junior high, or high school) | Compliance shall be monitored by the Santa Cruz County Health Services Agency or any law enforcement officer<br><br>Penalties for violations of this ordinance within any 60-month period include:<br>1. The suspension of a license for 60 days for a first violation<br>2. The suspension of a license for 120 days for a second violation<br>3. The suspension of a license for 180 days for a third violation<br>4. The revocation of a license for a fourth violation, and no new license shall be issued for five years | No |
| **Saratoga** Municipal Code 4-90 | Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits | All flavored tobacco products (excluding menthol flavored tobacco products) | No | Adopted: October 3, 2018 | Menthol flavored tobacco products are not included in the policy | No tobacco retailer permit tobacco may be issued to a licensed pharmacy<br><br>No tobacco retailers established after September 16, 2016 shall be granted a tobacco retailer license for a location which is within 500 feet of another retailer or within 1000 feet of an elementary, middle, or high school or a City park<br><br>No tobacco product or paraphernalia may be sold from a vending machines | Penalties for violations of this ordinance within a 24 month period include:<br>1. The suspension of an existing license for up to 60 days from the date of the citation issuance for a first violation<br>2. The revocation of any existing license shall for up to 24months from the date of the administrative citation issuance for a second or subsequent citation | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Sausalito** Ordinance No. 1264 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits | All flavored tobacco products | Yes | Adopted: July 2018 Effective: November 1, 2018 | None | Ordinance amends city's current "Clean Indoor Air and Health Protection" municipal code chapter to add "Tobacco Retail License Requirement and Prohibit the Sale of Flavored Tobacco Products"<br><br>Smoking is prohibited in all enclosed places of employment, public places, recreational areas, common areas<br><br>Smoking is prohibited in all unenclosed places of employment, recreational areas, services areas, dining areas, common areas that meet certain requirements<br><br>Smoking restrictions included for multi-unit housing complexes and rental units | Anyone who violates a provision in this chapter will be deemed guilty of an infraction<br><br>The City may seek the revocation or suspension of a tobacco retailer's license | No |
| **Sonoma** Ordinance No. 04-2015<br><br>Municipal Code 7.25 | Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits | All flavored tobacco products (excluding menthol flavored tobacco products) | No | Adopted: June 1, 2015 Effective: September 1, 2015 Enforced: September 1, 2015 | Menthol flavored tobacco products are not included in the policy<br><br>Flavored tobacco products may still be sold if<br>1. the tobacco product consists of a package of cigars that contains at least five cigars<br>2. a single cigar for which the retail price exceeds $5<br>3. the tobacco product consists of pipe tobacco<br>4. the package of chewing tobacco or snuff contains at least five units or more | It is a violation to sell any single cigar (unless the retail price of the cigar exceeds $5) and a package of cigars containing fewer than five cigars or the number of cigars contained in the manufacture's original consumer packaging<br><br>Limits the eligibility of retailers permitted to apply for a tobacco retail license | Decoy enforcement operations conducted annually by Sonoma Police Department<br><br>Penalties for violations of this ordinance within a 60-month period include:<br>1. The suspension of a license for 30 days for a first violation<br>2. The suspension of a license for 90 days for a second violation<br>3. The suspension of a license for one year for a third violation<br>4. The revocation of a license for a fourth or subsequent violations<br><br>Violations of this chapter are subject to a civil action punishable by a fine not less than $250 and not exceeding $1,000 per violation | No |
| **West Hollywood** Ordinance No. 16-991<br><br>Municipal Code 5.114 | Prohibits the sale of all tobacco products, including flavored tobacco products and menthol flavored tobacco products, within 600 feet of a youth-populated area (school, youth center, child-care facility, etc.) | All tobacco products | Yes | Adopted: October 2016 Effective: November 2016 | Tobacco retailers operating prior to May 1, 2016, adult-only facilities, and hotels that sell tobacco products as part of incidental sales on the premises may still sell all tobacco products regardless of location | Policy includes a ban on all tobacco products, not just flavored tobacco products<br><br>No new tobacco retailer licenses may be issued for tobacco retailers within 600 feet of a school<br><br>No new licenses may be issued for tobacco product shops within 1000 feet of a youth-populated area<br><br>Little cigars must be sold in pack size of at least 20 | Any member of the West Hollywood Code Compliance Division, Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees are authorized to monitor and enforce the provision | Yes, existing retailers operating prior to May 1, 2016 are grandfathered regardless of any change or transfer of ownership of the business |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Windsor**<br>Ordinance No. 2018-323<br><br>Municipal Code 3-11-115 | Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits | All flavored tobacco products (excludes menthol tobacco products) | No | Adopted: March 7, 2018<br>Effective: April 6, 2018<br>Enforcement: July 30, 2018 | Menthol flavored tobacco products are not included in the policy<br><br>Tobacco retailers may sell flavored tobacco products if:<br>1. The tobacco product consists of a package of cigars containing at least five cigars or little cigars<br>2. The tobacco product is a single cigar for which the retail price exceeds $5.00<br>3. The tobacco product consists of pipe tobacco<br>4. The package of chewing tobacco or snuff contains at least five units | No tobacco retailer shall sell to a consumer:<br>1. A package of cigarettes at a price that is less than $7.00 per package of twenty 20 cigarettes, including all applicable taxes and fees<br>2. A package of little cigars that is less than $7.00 per package of five little cigars, including all applicable taxes and fees<br>3. A package of cigars that is less than $7.00 per five cigars, including all applicable taxes and fee.<br>4. A package of chewing tobacco or snuff that is less than $7.00 per package of five units<br><br>It shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration:<br>1. Any single cigar or little cigar, whether or not packaged for individual sale;<br>2. Any number of cigars or little cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer;<br>3. Any package of cigars or little cigars containing fewer than five cigars.<br>4. Any package of chewing tobacco or snuff containing fewer than five units.<br>*This section shall not apply to the sale or offer for sale of a single cigar for which the retail price exceeds $5.00<br><br>No license may be issued to authorize tobacco retailing within 1,000 feet of a school (unless the retailer was operating before the date of the ordinance codified in this chapter)<br><br>Limits the eligibility of retailers permitted to apply for a tobacco retail license | The policy will be enforced by the County of Sonoma Department of Health Services<br><br>Penalties for violations of this ordinance within a 60-month period include:<br><br>1. The suspension of a license for 30 days for a first violation<br>2. The suspension of a license for 90 days for a second violation<br>3. The suspension of a license for one year for a third violation<br>4. 4. The revocation of a license for four or more violations | No |

## California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

| Jurisdiction | Extent of Policy | Products Covered by Policy | Menthol Included | Effective Date | Exemptions | Notes | Enforcement | Grandfathering |
|---|---|---|---|---|---|---|---|---|
| **Yolo County**<br>Ordinance No. 1474<br><br>Municipal Code 6-15.10 | Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the County | All flavored tobacco products | Yes | Adopted: October 2016<br>Effective: May 1, 2017 | None | Only existing tobacco retailers are eligible for a tobacco license | Yolo County District Attorney is authorized to perform stings for any violations of the TRL<br><br>Penalties for violations of this ordinance within a 60-month period include:<br>1. A fine not less than $250 and not exceeding $1,000 and the suspension of a license for no less than 30 days for a first violation<br>2. A fine not less than $1,000 and not exceeding $2,500 and the suspension of a license for no less than 90 days for a second violation<br>3. A fine not less than $2,500 and not exceeding $5,000 and the suspension of a license for no less than five years for a third or subsequent violation<br><br>In addition to any other penalty authorized by law, a license shall be revoked if any court of competent jurisdiction determines, or if the Director finds after the Tobacco Retailer or Permitee is afforded notice and an opportunity to be heard, that the Tobacco Retailer or Permitee, or any of the Tobacco Retailer's or Permitee's officers, agents or employees, has violated any of the requirements, conditions, or prohibitions of this Chapter | No |