



E-Cigarettes: Local Policy and Enforcement Updates

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Tobacco Enforcement Operations



Office of the Los Angeles City Attorney



Mike Feuer, City Attorney

Tobacco Enforcement Operations

- 
- Regulation
 - Legislation
 - Enforcement

Regulation

2009 Family Smoking Prevention and Tobacco Control Act



Left fully intact state and local authority to restrict the sale, distribution, and possession of tobacco products.



Local Regulation

THIS PERMIT MUST BE POSTED AT PLACE OF BUSINESS

CITY OF LOS ANGELES TOBACCO RETAILER'S PERMIT

THIS PERMIT IS VALID FROM _____ TO _____

L.A.M.C Sec. 46.91

ACCOUNT NO.	FUND/CLASS	DESCRIPTION	ISSUED:	STARTED

ISSUED TO

PERMIT MUST BE PROMINENTLY DISPLAYED

2019

OFFICE OF THE CITY ATTORNEY

NOTIFY THE OFFICE OF FINANCE IN WRITING OF ANY CHANGE IN OWNERSHIP OR ADDRESS- OFFICE OF FINANCE P.O. BOX 53200 LOS ANGELES CA 90053-0200

- Tobacco Enforcement Program (TEP) began in 2000 and was the first tobacco retail licensing program in the State of California.
- Goal was to reduce youth **access** to tobacco products.
- Currently, approximately 4,700 permitted retailers in City of LA.

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- \$300 per year (In 2020 will increase to \$437)
- **Required in order to sell any product that contains nicotine (including e-cigarettes) and any tobacco paraphernalia**
- Sales from fixed locations only. Sales from residences prohibited, no street peddling and sales from vehicles
- Misdemeanor violation of LAMC 46.91(a) to sell without a Permit



State of California Cigarette and Tobacco Products License

CALIFORNIA STATE BOARD OF EQUALIZATION

**CIGARETTE AND TOBACCO PRODUCTS LICENSING ACT OF 2003
RETAILER'S LICENSE**



LICENSE NUMBER: _____

BUSINESS MAILING ADDRESS: _____

LOCATION ADDRESS: _____

EFFECTIVE DATE: _____

*THIS LICENSE HAS BEEN ISSUED TO YOU UNDER DIVISION 8.6 (COMMENCING WITH SECTION 22970) OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE.
NOT VALID AT ANY OTHER LOCATION ADDRESS.*

IS HEREBY AUTHORIZED TO ENGAGE IN THE SALE OF CIGARETTES AND TOBACCO PRODUCTS.
THIS LICENSE IS VALID FOR THE EFFECTIVE DATE OR UNTIL SUSPENDED, REVOKED, OR CANCELED, AND IS NOT TRANSFERABLE.
FOR GENERAL TAX QUESTIONS PLEASE TELEPHONE OUR INFORMATION CENTER AT 800-400-7115.
FOR INFORMATION ON YOUR RIGHTS, CONTACT THE TAXPAYERS' RIGHTS ADVOCATE OFFICE AT 888-324-2798 OR 916-324-2798.
BOE-442-LR REV. 1 (11-04)

**Issued by the California Department of Tax and Fee Administration
(formerly known as The Board of Equalization)**



The Tobacco Enforcement Program (TEP)

- Yearly contract with the California Dept of Public Health, Stop Tobacco Access to Kids Enforcement (STAKE) Unit for State investigators to conduct undercover minor decoy compliance checks
- Suspends Permits for violations
- Conducts retailer outreach
- Conducts youth-centered tobacco-use prevention



EVOLUTION OF VAPING DEVICE



CIGALIKE



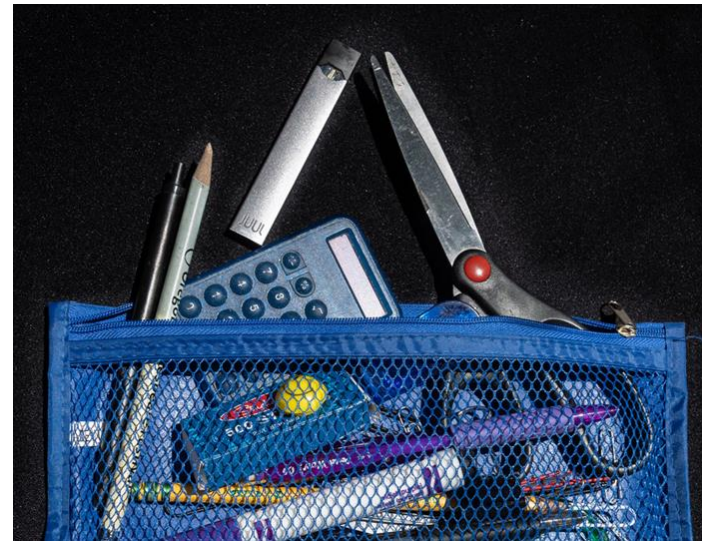
VAPE PEN



BOX MOD



VAPE POD



LEGISLATION

2014

Los Angeles Times

Los Angeles approves sweeping e-cigarette restrictions

By DAVID ZAHNISER MARCH 4, 2014 | 1:07 PM

The Los Angeles City Council on Tuesday approved sweeping new regulations that would treat e-cigarettes like conventional cigarettes, after one of the most personal debates to be heard on the council floor in years.



2016

Los Angeles Times

Vaping will soon be banned in many public places in California

By PATRICK MCGREEVY | STAFF WRITER MAY 4, 2016 | 7:04 PM

Reporting from Sacramento — California has applied the brakes to slow the vaping craze after Gov. Jerry Brown on Wednesday signed legislation to prohibit electronic cigarette use in restaurants, theaters, schools and other public places where smoking is already banned.

Sen. Mark Leno (D-San Francisco) said the new law — which will take effect June 9 — is needed because vaping has become especially popular with middle and high school kids.



2016

2016 State Tobacco Legislation

- Included e-cigarettes in the State law definition of a tobacco product
- Prohibited the use of e-cigarettes in smokefree areas
- Raised the legal **sales** age for tobacco products to 21*

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

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

U.S. Armed Forces active duty personnel with military ID must be at least 18 years of age
Valid Identification May Be Required

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

Business and Professions Code Section 22952



Tobacco Products Include:



Cigarettes



Cigars



Little Cigars/Cigarillos



Smokeless Tobacco



Electronic Cigarettes



Vape Pens



E-liquids



Hookah



Vape Tanks/Mods



Vape Atomizer



Vaporizers



E-hookah



Juul

It is unlawful to furnish any of these items to a minor under 21 (irrespective of nicotine content). PC 308(a)

May 2016: FDA deems e-cigarettes to be “tobacco products” and covered by the 2009 Tobacco Control Act.

May 2017: FDA extends compliance period for e-cigarettes to 2022.

March 2018: FDA sued for extending the deadline to 2022 and leaving e-cigarettes on the market and unregulated. FDA lost.

New deadline: May 2020

M I L W A U K E E
JOURNAL SENTINEL

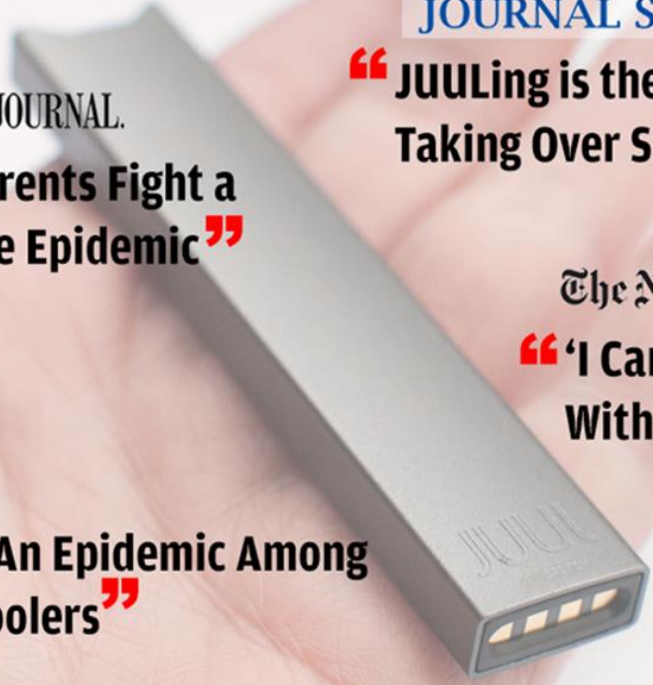
“JUULing is the New Teen Vaping Fad Taking Over School Bathrooms”

The New York Times
“‘I Can’t Stop’: Schools Struggle With Vaping Explosion”

THE WALL STREET JOURNAL.
“Schools and Parents Fight a Juul E-Cigarette Epidemic”



“Vaping Now An Epidemic Among US High Schoolers”



TobaccoFreeKids.org



Recent State Legislation



- California Senate Bill 38 (2018)
- California Assembly Bill 1639 (2019)

Recent Local Legislation

San Francisco

- June 2017 : Ordinance banning the sale of flavored tobacco products
- June 2018: Ballot referendum by tobacco industry failed
- June 2019: Ordinance banning sale of all e-cigarettes that lack FDA approval
- November 2019: New referendum will be on ballot



Recent Local Legislation

City of Los Angeles

- City Attorney's Report to City Council transmitted September 18, 2019.
- City Attorney Mike Feuer recommends a complete ban on the sale of flavored tobacco products without exemption.
- Matter will next be considered by the HENPAR Committee before the end of the year.



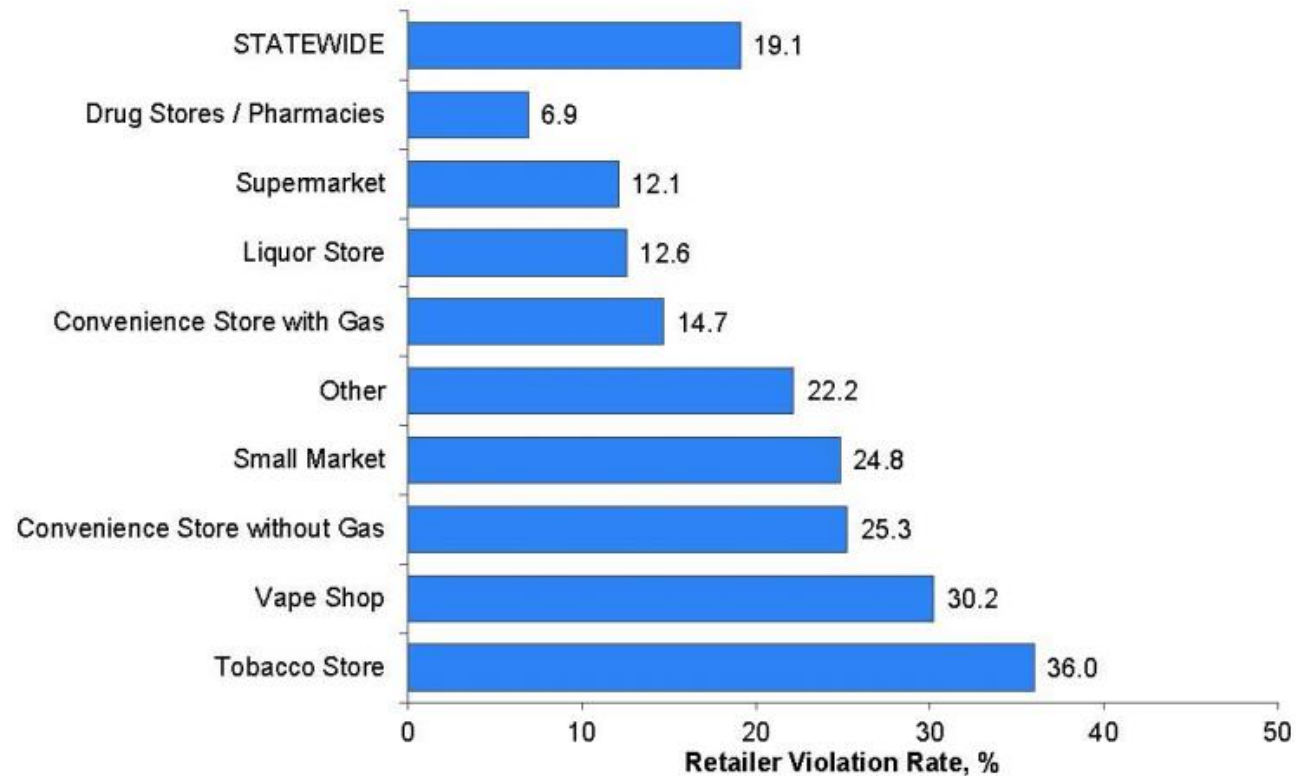


Enforcement

- STAKE Act Investigations
- Penal Code 308 Investigations
- Civil Litigation



Percent of Retailers Selling Tobacco to Underage Young Adults by Store Type, 2018

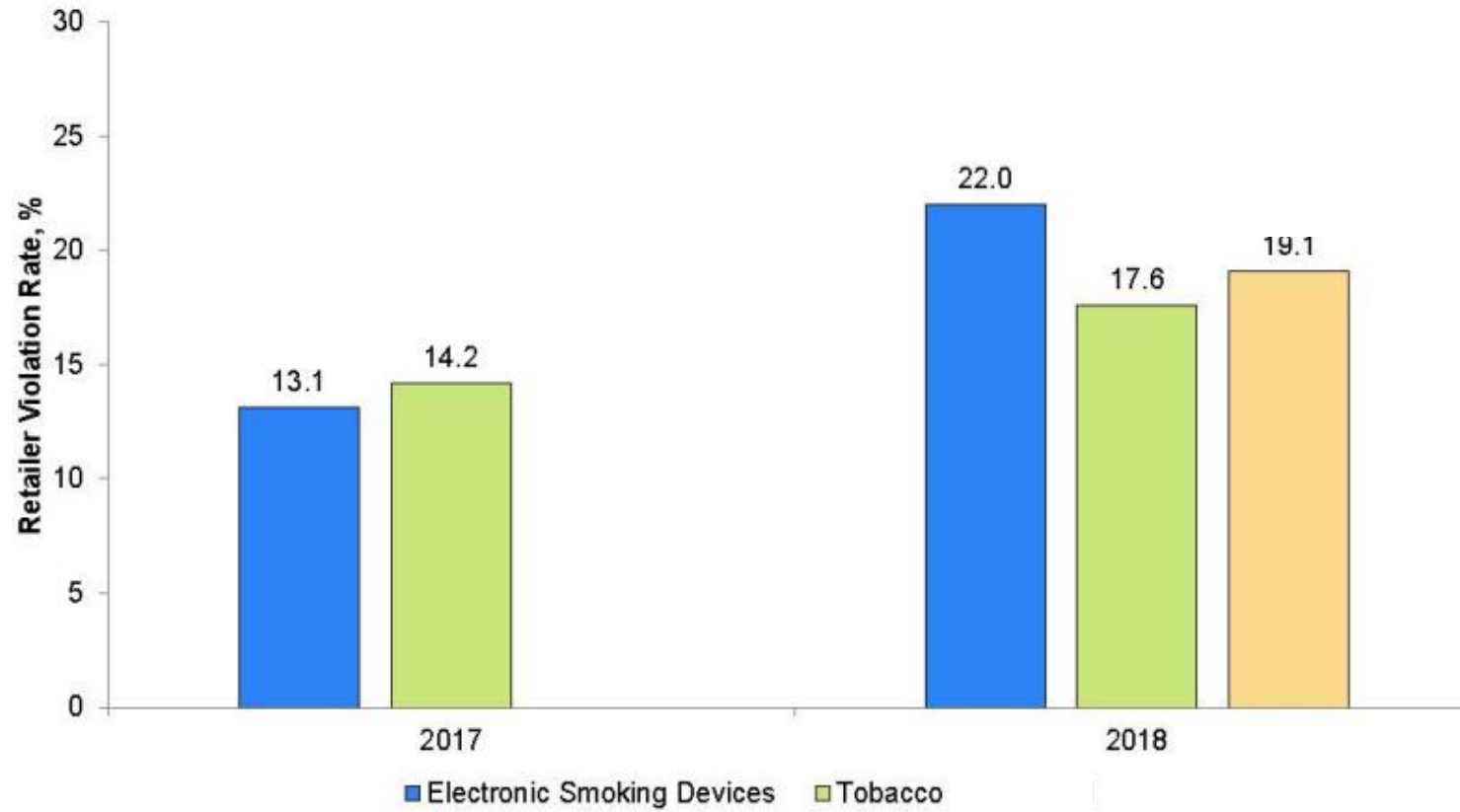


Note: Tobacco stores include vape shops/lounges. Store types with small sample sizes were grouped together with the "other" category (e.g. delis, discount stores, gift stores, hotels, car washes, restaurants, cafes, donut shops). Young adults are defined as 18-19 years old. Source: California Department of Public Health, California Tobacco Control Program. Young Adult Tobacco Purchase Survey, 2018. Sacramento, CA: California Department of Public Health, October

UNLAWFUL SALES



Percent of Retailers Selling Tobacco to Underage Young Adults, 2017-2018





D • A • T • A

DECREASING ADOLESCENT
TOBACCO ACCESS

*Funded by the California Department of Justice
Tobacco Law Enforcement Grant Program
(Proposition 56 Tobacco Tax)*

Disobeyvape.com





Disobey Vape (kids):

EN: www.disobeyvape.com

SP: www.disobeyvape.com/es

Disobey Vape (parents):

EN: www.disobeyvapefacts.com

SP: www.disobeyvapefacts.com/es



“Your Body Knows”





Contact Information

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