

Tobacco Retail License Ordinance

Presenter:
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CITY HALL



Overview

- Community Preservation
- Current Legislation
- Tobacco Retail License (TRL) Ordinance
- Proposed Ordinance
- Workplan
- Implementation
- Q & A





Community Preservation



- Community Preservation Manager
- Two Community Preservation Specialists



- Municipal Code
- Blight
- Substandard Housing
- Unpermitted Construction
- Land Use
- Property Maintenance



- Private Property
- Industrial
- Residential
- Commercial



Current Legislation



STAKE Act

- Effective January 1, 1995
- Minimum age requirements
- Penalties and license suspension

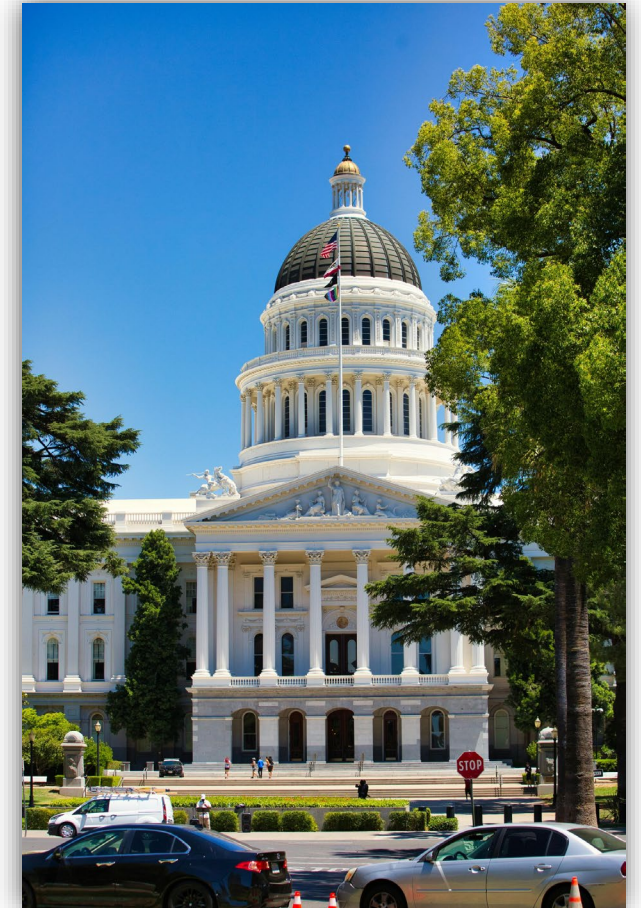
Business and Professions Code

- Effective January 1, 2004
- § 22971.3 allows for local tobacco control laws



SB 793

- Effective January 3, 2023
- Flavor ban
- Includes menthol
- Local enforcement is encouraged
- Allows for stricter local restrictions





Tobacco Retail License

What is it?

- A TRL allows retailers to sell tobacco and tobacco products
- Requires all tobacco retailers to obtain a license and renew annually
- License fee funds inspections and enforcement
- Establishes fines and penalties
- Ensures responsible retailing practices



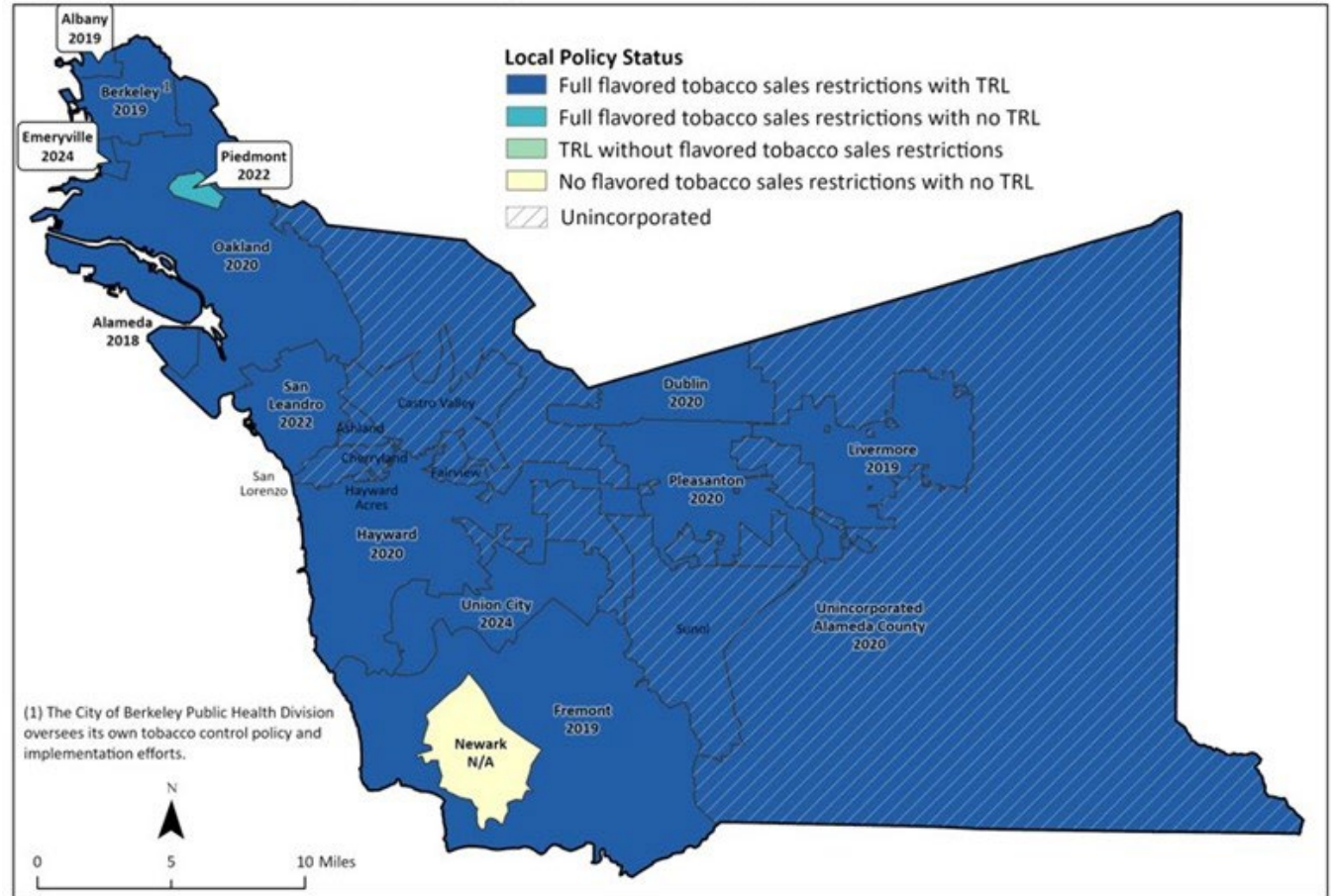


Tobacco Retail License

Newark is the only city in Alameda County that does not have a TRL program.

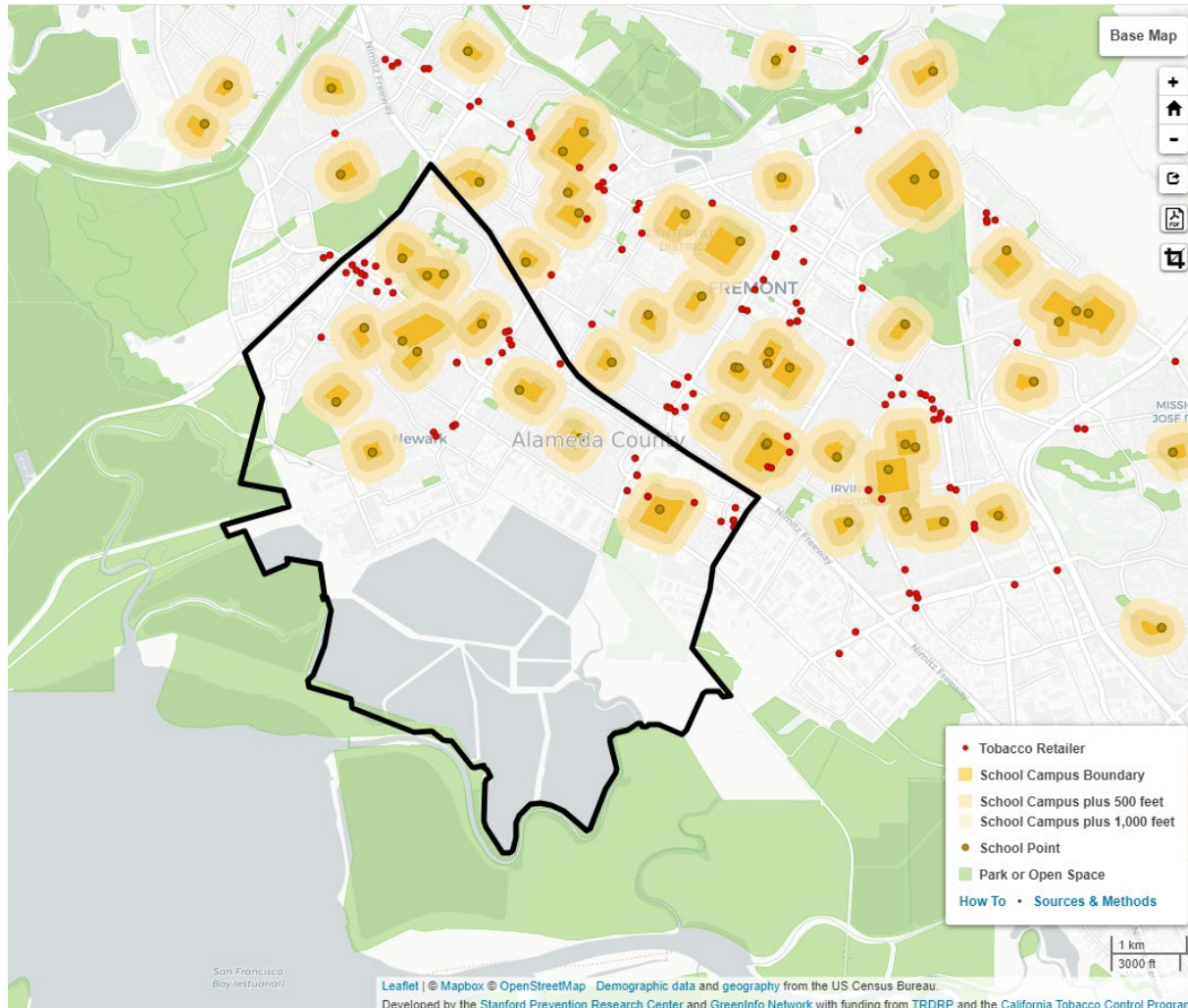


Flavored Tobacco Sales Restrictions & Tobacco Retail Licensing (TRL) Policy Status By Jurisdiction with Adoption Year | Alameda County



Source: Alameda County Public Health Department Tobacco Control Program, updated April 2024.

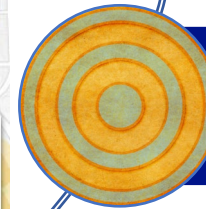
Tobacco Retail License



38 Retailers



12 Schools



4 Retailers within 1,000 feet of a school

Proposed Ordinance

- Create a TRL program
- Ban all flavored products
- Update the definition of a tobacco retailer
- Proximity restrictions within:
 - 1,000 feet of existing retailers,
 - 1,000 feet of parks, day care, or schools
- Legal nonconforming for existing retailers
- Defined enforcement process



Proposed Ordinance

- Penalties shall apply to the owner or license holder, not any employees
- Will not criminalize use or possession of banned products
- Prohibit the sale of tobacco in pharmacies
- Prohibit tobacco discounts and coupons
- Provide a grace period for retailers to deplete newly prohibited products





Proposed Ordinance

Possible additions:

- Minimum prices and package sizes
- Include hookah in the flavor ban
- Prohibit TRL transfers if the location is within restricted areas, or
- Allow the new owner to apply in a timely manner
- Non-flavored vape ban: disposable vs. rechargeable



Workplan

Outreach (July-August)

- Retailers
- Advocates
- County



Draft Ordinance (August)

- Feedback
- Best practices
- City Attorney



Implementation (October-April 2025)

- Notification
- Enrollment
- Checklist
- Inspection



City Council (September)

- Presentation
- Public comment
- Resolution



Implementation



City Council

September-October

- Adopts Ordinance
- The ordinance goes into effect



Administrative

October-December

- Application and Fees
- FAQs
- Checklist for retailers



Enrollment

January-March
2025

- Invoices and applications mailed
- Applications processed
- Licenses issued



Inspection

March-April 2025

- Exterior conditions
- Permits for improvements
- Signs
- Banned products
- Decoy program



Q & A

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