



SIERRA CLUB

DELTA-SIERRA GROUP
MOTHER LODE CHAPTER

Stockton City Council
425 N. El Dorado Street
Stockton, CA 95202
Via email to city.clerk@stocktonca.gov

10.17.2022

Honorable Mayor Lincoln and Stockton City Council Members,

The Delta-Sierra Group is part of the Mother Lode Chapter of the Sierra Club and we encourage the City of Stockton to adopt a comprehensive Tobacco Retailer License (TRL) Program Ordinance that will require ALL retailers be licensed to sell tobacco products (not just to retailers who dedicate 50% or more of floor space and/or shelf space to the sale of tobacco products). This will ensure ALL retailers are held accountable to local and state tobacco control law and ensure fair business practices for the regulated community.

The Delta-Sierra Group is involved in tobacco related issues primarily related to the environmental effects of tobacco (natural and synthetic) wastes which harm wildlife and degrade water and air quality. We became involved in local tobacco issues related to the over concentration of tobacco retailers last year when we observed more and more “smoke shops” being located near other tobacco retailers and primarily in disadvantaged areas of our community as an environmental justice issue. We brought this up several times to the Environmental and Legislative Committee of the Stockton City Council and began working with the San Joaquin County Smoking and Tobacco Outreach/Prevention Program (STOPP) Coalition which provides education, coordination, advocacy, and support of tobacco control activities in the community.

We are thankful for your leadership in considering an ordinance to limit the concentration of tobacco retailers and provided verbal comments at the July 20, 2022 Environmental Legislative Committee meeting. We have come to understand that some of these comments have not been incorporated in the most recent draft of the Tobacco Retailer Licensing Ordinance, specifically that not all tobacco retailers will be included.

We appreciate that the proposed Tobacco Retailer Licensing Ordinance will include a prohibition of the sale of flavored tobacco products which are so very attractive to our youth – underage tobacco users. It is well known that flavored tobacco products, including menthol, are getting youth hooked. The tobacco industry uses appealing packaging and candy flavors to lure kids into a lifetime of addiction. There are over 15,000 tobacco and vape flavors on the market, and more than 4 in 5 youth who have ever used tobacco started with a flavored product¹. However, once the tobacco addiction process has been initiated the drive to obtain nicotine exists through whatever means possible.

Limiting the number of retailers to be regulated by the City to “smoke shops” will undermine your effort to protect youth from tobacco products because recent governmental assessments have shown that nearly 1 in 5 stores selling tobacco have sold to underage surveyors. The primary store types that made illegal sales of tobacco products to the underage surveyors were markets (30%), convenience stores (25%), and

¹ https://truthinitiative.org/sites/default/files/media/files/2021/06/Truth_FlavoredTobacco_FactSheet2021_FINAL.pdf

liquor/convenience stores (15%)² These markets, convenience stores and liquor/convenience stores would not be included in the current definition of tobacco retailers in the draft Tobacco Retail Licensing Ordinance. Markets and convenience stores are potentially more dangerous for children and youth because these store types are more abundant and sell other (non-tobacco) items that attract youth and children (chips, soda, candy, etc.). The type of tobacco products which were sold during this survey included regular cigarettes (45%), little cigars or cigarillos (30%), and menthol cigarettes (25%). Finally, with the proposed very limited definition of tobacco retailer proposed there would be an insufficient regulated population to support an effective Tobacco Retailer License Program. The San Joaquin County Public Health Services has recommended local licensing programs to allow for additional oversight and enforcement penalties for retailers not in compliance with tobacco minimum purchase age regulations as a means to reduce underage tobacco use.

Fees to support the Tobacco Retailer License program have not been released and we want to ensure that the establishment of fees is an open and transparent process. We recommend that the City use the Public Health Law Center Tobacco Retail Licensing Calculator that can be found at: <https://www.publichealthlawcenter.org/resources/tobacco-retail-licensing-calculator>. Many communities have used this calculator to develop their programs. The total fees generated would vary greatly depending on whether the City of Stockton retains a limited definition of tobacco retailer based on the July 20, 2022 draft Ordinance of 60 vs a potential number of 272 discussed as including all tobacco retailers. Using \$270 as the annual license fee only \$16,200 would be collected vs \$73,440, respectively. Fees associated with having all tobacco retailers licensed by the City would allow the City of Stockton to do the educational outreach and enforcement necessary for a successful Tobacco Retailers License Program.

Tobacco products are readily available. In San Joaquin County, more than a quarter (25.6%) of high school students have used a tobacco product and 6.2% currently use vapes³. My own survey of youth participating the Annual American Heart Association event held at the University of the Pacific made clear to me that our youths living in more disadvantaged neighborhoods are more aware of peers involved with tobacco than those youths living in more affluent areas of Stockton all relating to exposure. We need to equalize access to healthy neighborhoods and a robust Tobacco Retail Licensing Program is a good first step.

Adopting a comprehensive Tobacco Retail Licensing Ordinance and Program is a best practice and the strongest way to enforce tobacco sales laws at the local, state, and federal level.

Thank you for your consideration.

Sincerely,



Mary Elizabeth M.S., R.E.H.S.
Delta Sierra Group Conservation Chair, Sierra Club

² San Joaquin County Public Health Services (STOPP), Young Adult Tobacco Purchase Survey November 2018

³ California Student Tobacco Survey, 2019-2020