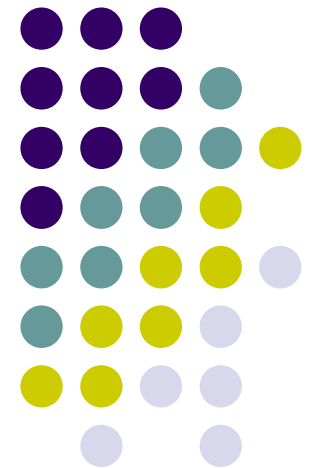


# Reducing Access to Tobacco Near Schools

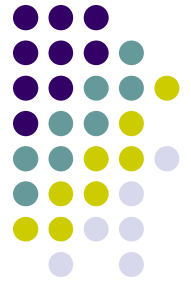


## Inclusion of Zoning Provisions in Local Tobacco Retail License Laws

Dawn M. Dunn, MPH  
November 8, 2011

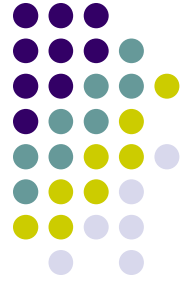


# History of TRL in our County



- ❖ In 2001, Santa Barbara County unanimously adopted a tobacco retailer licensing ordinance
  - ◆ Considered a strong ordinance at the time
- ❖ Actively implemented the law for the County areas (76 stores) & City of Goleta (38)
- ❖ Suspended licenses of 35 retailers over a 5 year period
- ❖ Reduced repeat offenses, but sales to minors were not dropping

# History (continued)



## ❖ Law considered ineffective

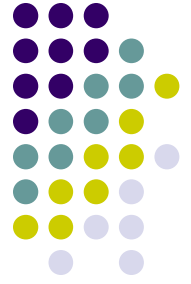
- ◆ Letter of warning
- ◆ Low cost for license (\$30)
- ◆ Limited “stings”



## ❖ Political climate stalled amendments

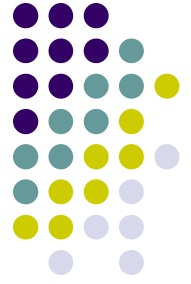
**A Unique Partnership Emerged**

# A Unlikely Path to Success



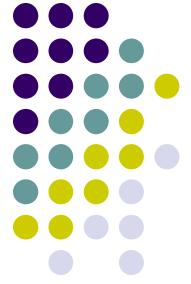
- ❖ County Supervisor wants to limit tobacco access near schools
  - ◆ Local urged to do by state senator
  - ◆ No interest or understanding of tobacco control
  - ◆ Tenacity and departmental backing to “push” for amending TRL law & incorporating zoning
- ❖ Partnering with the champion to gather input & support for our proposed solution

# A New Approach...



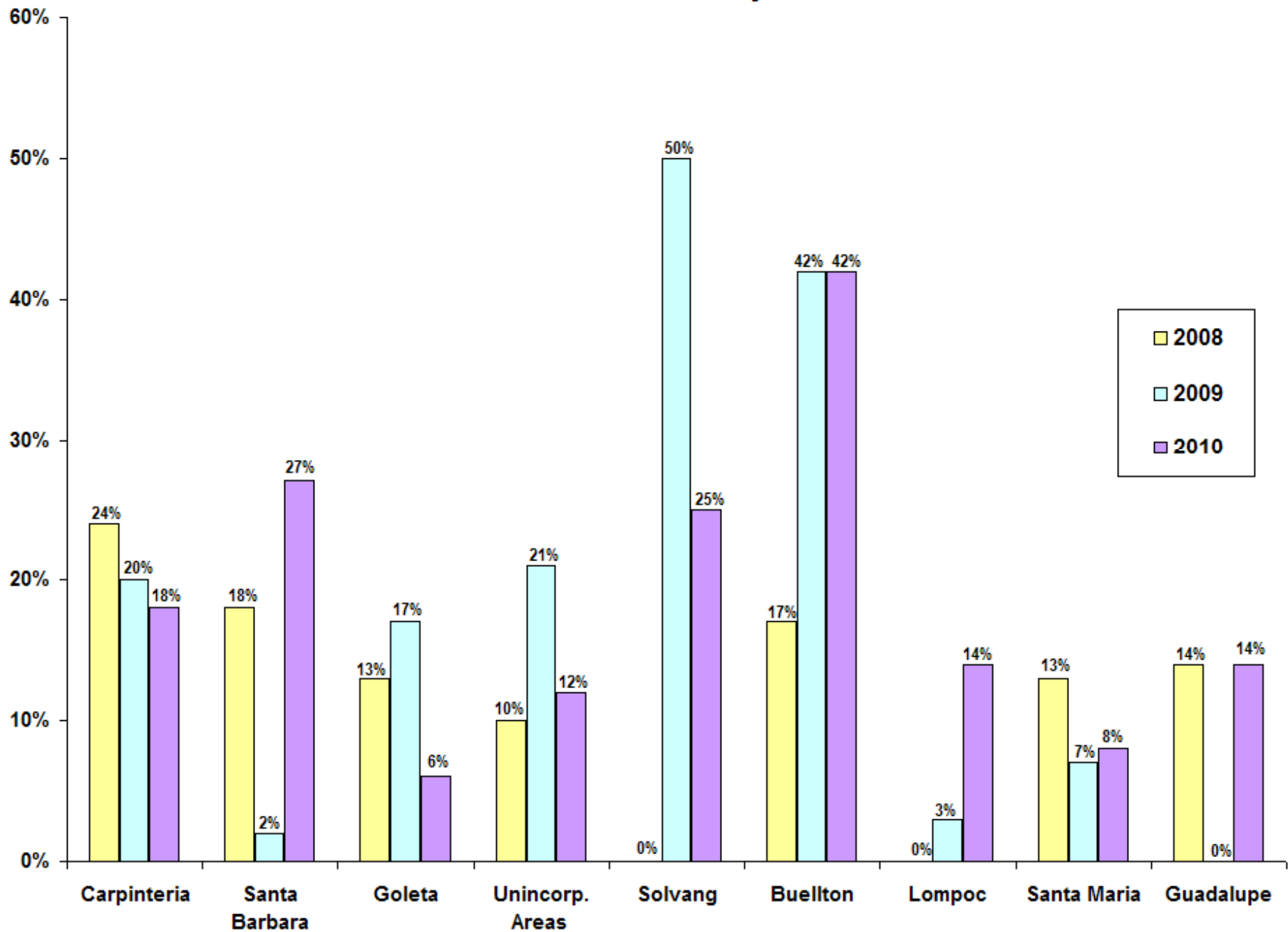
- ❖ Create tobacco-free “sales” zones near schools
- ❖ Restrict new businesses from selling tobacco within a specified distance from schools
  - ◆ Distance of 1,000 feet
  - ◆ Include all K-12 school sites, both public & private
- ❖ Use the County’s TRL ordinance as the vehicle to limit and control density of retailers near schools

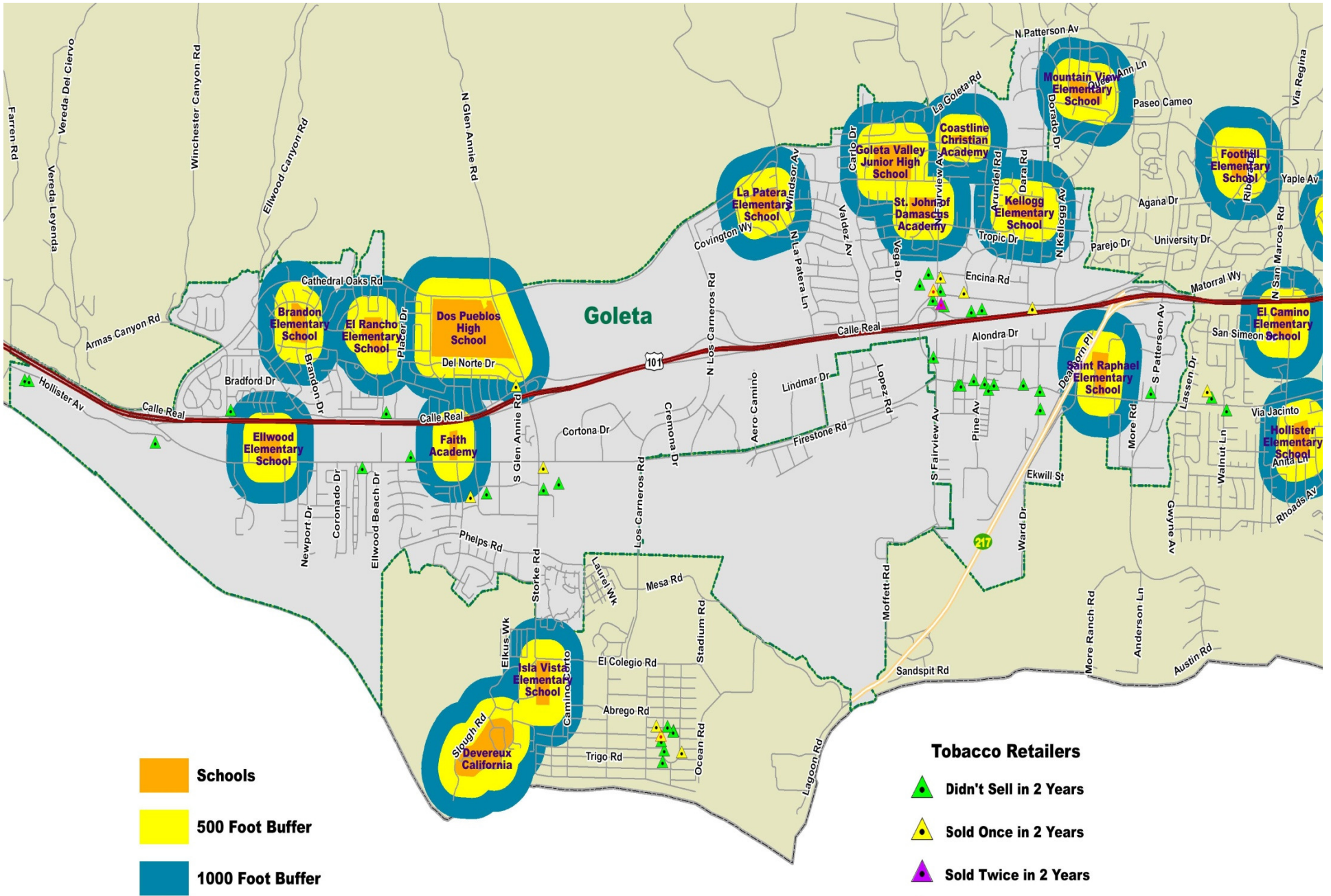
# Keys to the Campaign



- ❖ Clear talking points & visuals
  - ◆ Undercover buy graphs
  - ◆ Legal precedence for all aspects of policy
  - ◆ Mapping of schools
  - ◆ Developing a fee study to justify increases
  - ◆ Fact sheets and more...

## Sales of Tobacco Products to Minors by Community Santa Barbara County 2008-2010





Goleta

101

217



<b>Jurisdiction</b>	<b>Total # Retail Outlets Within 1000 Ft.</b>	<b>Total # Retail Outlets not near Schools</b>	<b>Total # of Retail Outlets</b>	<b>% of Retail Outlets near Schools*</b>	<b>% of Sales to Minors near Schools**</b>
<b>Unincorporated</b>	23	52	75	31%	42%
<b>Santa Maria</b>	21	33	54	39%	26%
<b>Guadalupe</b>	1	5	6	17%	0%
<b>Lompoc</b>	12	34	46	26%	0%
<b>Buellton</b>	0	13	13	0%	0%
<b>Solvang</b>	2	4	6	33%	0%
<b>Goleta</b>	2	35	37	5%	22%
<b>Santa Barbara</b>	28	90	118	24%	30%
<b>Carpinteria</b>	8	8	16	50%	67%

\*Near schools means within 1,000 ft. of any public or private school

\*\*2008 & 2009 sales data are combined

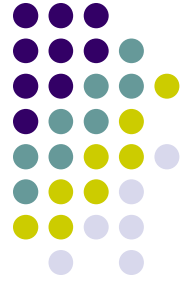
## Quick Facts

### Changes to Tobacco Retailer Licensing Santa Barbara County Code – Chapter 37A (Effective December 9, 2010)

The grid below shows the key changes to the tobacco retailer licensing (TRL) ordinance that affects 78 businesses in the unincorporated areas of Santa Barbara County. A copy of the ordinance can be found at the following web link: <http://www.countyofsb.org/phd/tobacco>. The changes were added to reduce youth access to tobacco products and paraphernalia and promote responsible tobacco retailing and are common in effective TRL laws in California.

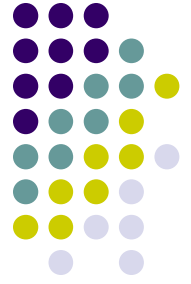
	2001 Ordinance	2010 Amended Ordinance
<b>Look-Back Period</b>	2 years	5 years
<b>1<sup>st</sup> violation</b>	Letter of warning	<ul style="list-style-type: none"> <li>▪ 30 day suspension, or</li> <li>▪ Negotiated 15 day suspension, at least \$1,000 fine and an admission of the violation, or</li> <li>▪ Appeal Hearing</li> </ul> (NOTE: Health Officer must award 30 day suspension if evidence proves a tobacco-related law was violated.)
<b>2<sup>nd</sup> Violation</b>	30 day suspension	<ul style="list-style-type: none"> <li>▪ 90 day suspension , or</li> <li>▪ Negotiated 45 day suspension, at least a \$5,000 fine and an admission of the violation, or</li> <li>▪ Appeal Hearing (See note under this section re: 1<sup>st</sup> violation.)</li> </ul>
<b>3<sup>rd</sup> Violation</b>	90 day suspension	1 year revocation of license
<b>4<sup>th</sup> Violation</b>	1 year revocation	N/A
<b>Zoning</b>	N/A	<ul style="list-style-type: none"> <li>▪ No new retailers within 1,000 of K-12 schools</li> <li>▪ Grandfather existing retailers</li> <li>▪ Sale of business allowed, as long as no suspensions pending</li> <li>▪ 5-year revocation of license at 3<sup>rd</sup> violation if in school zone</li> </ul>
<b>Fee</b>	\$30 per year	\$250 per year (01/01/11 to 12/31/12) \$435 per year* (01/01/13) 30 days past expiration = 50% of yearly fee added 90 days past expiration = revocation, reapply & pay all fees before reinstatement
<b>Other Provisions</b>	N/A	<ul style="list-style-type: none"> <li>▪ Must be 18 years old to sell tobacco products or paraphernalia</li> <li>▪ ID must be checked if buyer appears to be under the age of 27</li> <li>▪ Specifies minimum and maximum compliance checks per year</li> <li>▪ Transfer of ownership must meet specified criteria</li> </ul>

# How's It Working?



- ❖ Four other communities considering policy
- ❖ Generating revenue
- ❖ Sales rates are not down yet, despite one-on-one education with retailers
- ❖ 11 suspensions from 2011 buys
  - ◆ 7 retailers each paid \$1,000 to cut suspension in half

# Lessons Learned



- ❖ Be the tobacco control expert & “go for it”
- ❖ Use resources and share what you develop
- ❖ Fee study was invaluable
- ❖ Mapping/tracking schools is challenging
- ❖ Consider adding other zoning & plug-ins
- ❖ Materials for retailers—keep it simple
- ❖ If you get an ordinance—enforce it
- ❖ Database and documentation are critical