INTRODUCE ORDINANCES ESTABLISHING A CITY-WIDE SMOKING BAN AND IMPLEMENTING A LOCAL TOBACCO RETAIL PERMIT

CITY COUNCIL
OCTOBER 1, 2019

Background

- City Council held discussions on September 18, 2018, May 7, 2019, and September 3, 2019

- City Council directed staff to prepare the following ordinances:
  - *City-wide smoking ban in public places*
  - *Local tobacco retail permit*

- These actions are supported by community advocates including the Beach Cities Health District and LA County Department of Public Health

City-Wide Smoking Ban in Public Places

- Defines public places and includes private property areas that are open to the general public
- Includes areas within 20 feet of any door, window, opening or vent into a public place
- Residential property and moving vehicles are excluded from the ban
- Definition of smoking includes electronic smoking devices and marijuana
- Allows businesses to create a designated smoking area for patrons and employees and establishes a permit process for this approval
- Violations are punishable by infraction

Local Tobacco Retail Permit

- Requires tobacco retailers to obtain and maintain an annual Tobacco Retail Permit with the City

- Provisions include:
  - *Defining tobacco products to include ESDs*
  - *Banning sales of all flavored products including mint, menthol, spearmint, and wintergreen*
  - *Banning self-service displays*
  - *Banning sales to anyone under 21 years of age*
  - *Establishing application process and requirements*
  - *Require an inspection by City officials once a year*
  - *Allows undercover enforcement*
  - *Non-transferable*

- 1-year grace period for the 43 current retailers to comply

- Establishes administrative enforcement and penalty for violations

Recommendation

- Adopt by title only an ordinance adding Municipal Code Chapter 9, Article 1, to Title 5 to disallow smoking in public places in the City except for designated smoking areas

- Re-introduce by title only an ordinance adding Municipal Code Chapter 9, Article 2, to Title 5 to create a local tobacco retail permit and approval process