



CITY OF SOUTH PASADENA
PUBLIC SAFETY COMMISSION REGULAR MEETING AGENDA

AMEDEE O. "DICK" RICHARDS, JR. COUNCIL CHAMBER
1424 MISSION STREET, SOUTH PASADENA, CA 91030
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Monday, October 18, 2021 at 8:30 a.m.

South Pasadena Public Safety Commission Statement of Civility

As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made today will be for the benefit of the South Pasadena community and not for personal gain.

PUBLIC ADVISORY: THE CITY COUNCIL CHAMBERS WILL BE OPEN TO THE PUBLIC

Pursuant to Section 3 of Executive Order N-08-21, issued by Governor Newsom the Regular Meeting of the Public Safety Commission for October 18, 2021 will be conducted in-person/hybrid and held by video conference, beginning at 8:30 a.m.

Beginning in August, the City will resume in-person/hybrid public meetings. The in-person/virtual hybrid meetings will maintain transparency and public access while protecting the health and safety of the public. Members of the public have the option to participate in-person or via Zoom using the following link:

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom Webinar in one of the methods below.

**Public Safety Commission
Zoom Webinar Information
Meeting ID: 813 3815 5824**

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Webinar information accordingly; or

Click the following link to join the webinar: <https://us06web.zoom.us/j/81338155824>

2. You may listen to the meeting by calling: **+16699006833** and entering the Zoom Webinar ID when prompted to do so.

For additional Zoom assistance with telephone audio, you may find your local number at: <https://zoom.us/j/9483121234>

IMPORTANT NOTE: Members of the public may access the meeting to observe the meeting's proceedings; however, at this time, there is no live, real-time participation by members of the public.

PUBLIC COMMENTS: If you would like to comment on an agenda item or make a general public comment, members of the public may submit their comments in writing, for Commission consideration, by emailing them to: pscpubliccomment@southpasadenaca.gov

Public Comments must be received by **6 p.m., October 17, 2021** to ensure adequate time to compile. Public Comment portion of the email is limited to 250 words. Please make sure to indicate: 1) your name; 2) what agenda item you are submitting public comment on or if it is a general public comment; and 3) clearly state if you wish for your comment to be read.

CALL TO ORDER

Chair Amin Alsarraf

ROLL CALL

Commission members Grace Liu Kung, Jeremy Ding, Ed Donnelly, Lisa Watson, Lindsey Angelats; Vice-Chair Stephanie Cao; and Chair Amin Alsarraf

COUNCIL LIAISON:

Jon Primuth

PUBLIC COMMENTS AND SUGGESTIONS

The Public Safety Commission welcomes public input. Members of the public may address the Public Safety Commission by emailing: pscpubliccomment@southpasadenaca.gov

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Pursuant to state law, the Public Safety Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Public Safety Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

1. Public Comment – General

ACTION/DISCUSSION

2. Minutes of the Public Safety Commission Meeting of September 13, 2021

Recommendation

It is recommended that the Commission review and approve the September 13, 2021 Meeting Minutes.

3. Potential New Ordinance for the South Pasadena Municipal Code Regarding Prohibiting the Sale of All Tobacco Products

Recommendation

It is recommended that the Commission discuss the Potential New Ordinance Regarding Prohibiting the Sale of All Tobacco Products.

COMMUNICATIONS

4. City Council Liaison Communications

5. Staff Liaison Communications

6. Commissioner Communications

ADJOURNMENT

PUBLIC ACCESS TO AGENDA DOCUMENTS

The complete agenda packet may be viewed on the City's website at:

<https://www.southpasadenaca.gov/government/boards-commissions>

Meeting recordings will be available for public viewing after the meeting. Recordings will be uploaded to the City's YouTube Channel no later than the next business day after the meeting.

The City's YouTube Channel may be accessed at:

https://www.youtube.com/channel/UCnR169ohzi1AIewD_6sfwDA/featured

ACCOMMODATIONS

The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division via e-mail at CityClerk@southpasadenaca.gov or by calling (626) 403- 7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

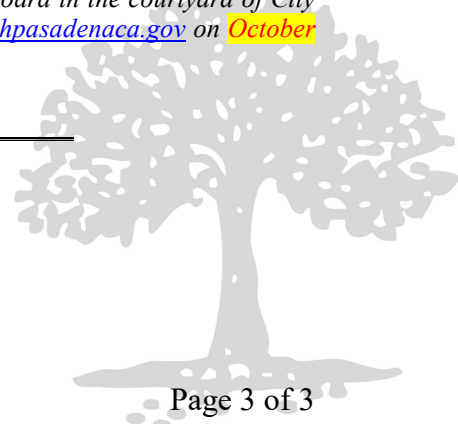
*I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA, and the City's website at www.southpasadenaca.gov on **October 14, 2021** as required by law.*

10/14/2021

Date

/s/

Brian Solinsky, Police Chief





Public Safety Commission Agenda Report

ITEM NO. 3

DATE: October 18, 2021

FROM: Brian Solinsky, Chief of Police
Alison Wehrle, Management Analyst

SUBJECT: **Discussion on Potential New Ordinance for the South Pasadena Municipal Code Regarding Prohibiting the Sale of All Tobacco Products**

Recommendation

It is recommended that the Public Safety Commission:

1. Hold a discussion on a potential new ordinance for the South Pasadena Municipal Code regarding prohibiting the sale of all tobacco products; and
2. Provide a recommendation to the City Council regarding a new ordinance for the South Pasadena Municipal Code regarding prohibiting the sale of all tobacco products.

Discussion/Analysis

At the July 21, 2021 regularly scheduled meeting, City Council directed staff to study and recommend key policy provisions for an ordinance that would ban the sale of all tobacco products in South Pasadena.

After researching the issue, staff determined that these goals could be accomplished in an amendment to the existing tobacco regulations, South Pasadena Municipal Code (SPMC) Chapter 18, to ban the sale of tobacco products. The attached ordinance would repeal the existing Tobacco Retailer Permit Ordinance (SPMC 18.101, *et seq*) and replace such with a prohibition of tobacco sales citywide. The proposed ordinance is presented without redline and underscore of the existing code for legibility at this time.

While many cities have prohibited the sale of flavored tobacco products, only two other cities in the United States, Beverly Hills and Manhattan Beach, have passed similar bans on all tobacco products.

According to the Center for Disease Control and Prevention (Fast Facts, 2020), Cigarette smoking causes more than 480,000 deaths each year in the United States. Smoking is associated with more deaths than the following causes combined:

- Human immunodeficiency virus (HIV)
- Illegal drug use
- Alcohol use

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- Motor vehicle injuries
- Firearm-related incidents

Tobacco use is linked to several chronic diseases, including cancer, cardiovascular disease, emphysema, chronic obstructive pulmonary disease, pneumonia, diabetes, and arthritis. Exposure to secondhand tobacco smoke also poses a risk for chronic disease, coronary heart disease, stroke, and lung cancer.

According to the California Department of Public Health, California Tobacco Control Program (CTCP), nearly 12,000 young people try their first cigarette every day, with approximately 68% of adult smokers in California starting to smoke before the age of 18. It is estimated that more than 440,600 Californian children living today will die prematurely because they will become smokers.

The University of California at San Francisco conducted a study (Findings from the California Tobacco Program Media Campaign Evaluation Endgame Questions, September 2021) and found that residents in Los Angeles County between the ages of 18-55 years old overwhelmingly supported the phasing out of cigarette sales within the next five years. The survey was conducted between August 2019 and August 2021 with respondents from multiple ethnic and cultural backgrounds.

Background

Restricting the sale of tobacco products differs from restricting smoking activity. The following two paragraphs distinguish these two concepts.

Smoking Activity

To promote healthy living, the City has long supported no-smoking policies. In 2018, the City prohibited smoking on public sidewalks, walkways, parkways, curbs, and gutters. One of the primary goals of the City's aggressive approach with these policies is to protect the public from unwanted exposure to secondhand smoke.

Sale of Tobacco Products

While the City prohibits smoking in many locations, the City does allow the sale of tobacco products through a regulatory permit process. On February 18, 2009, the City Council formally adopted an ordinance (2184) requiring establishments selling tobacco products to obtain a Tobacco Retailer Permit, renewable every year.

The South Pasadena Municipal Code (SPMC) § 18.102(a) states: Tobacco Retailer Permit Required. It is unlawful for any person to act as a tobacco retailer in the city without first obtaining and maintaining a valid tobacco retailer permit ("permit") pursuant to this article for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer permit is a nuisance as a matter of law.

SPMC §18.101(g) defines a tobacco product as "Tobacco product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah

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tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Legal Context

The City Attorney is evaluating the legal implications of implementing a tobacco sales prohibition ordinance. Initial indications are that cities have the authority to enact such local regulations. Given that only two other cities in Southern California have adopted a comprehensive ban on all tobacco products, there remains a possibility that the City could face legal challenges. The City should be willing to appropriately address these challenges, including litigation expenses with the tobacco industry. There is potential that some anti-smoking advocacy organizations would potentially collaborate with the City and provide assistance to address legal challenges. There is also the potential litigation for litigation by the businesses currently selling tobacco products within the City.

Policy Considerations

The proposed action is consistent with active living and mental well-being in the "Our Healthy Community" section of the 2020 General Plan Update. This action is also supported by promoting improved air quality referenced in the 2020 Climate Action Plan.

Business Impact Mitigation

Several of the tobacco retailers contacted, including gas stations, convenience stores, and the cigar lounge, have provided various figures as to the extent to which a ban on tobacco sales could impact or affect their businesses. Some have estimated between 15-20% of their revenue is from tobacco sales.

Staff has considered various options to assist small businesses in mitigating the impact of revenue lost from tobacco sales. Staff members met with a representative from the Small Business Development Center ("SBDC") at Pasadena City College and discussed options to support the small businesses within the City, including providing a presentation of local businesses' services at a Chamber of Commerce meeting. SBDC offers free one-on-one advising with small business experts to help them avoid many of the common problems faced by entrepreneurs. Other benefits include locating and applying for small business loans, including financing and educational workshops and events.

The representative also informed staff about the SCORE program, which is the nation's largest volunteer, expert business mentoring program. A resource partner for the Small Business Administration, the SCORE business mentorship program gives entrepreneurs a unique opportunity to receive personalized counseling from someone with more than 20 years of experience in their industry. Mentors retain accessibility with clients via email and schedule in-person appointments to meet with and mentor both existing and future business

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owners. There are also a large variety of hosted webinars, workshops, and interactive online training modules available for businesses to participate in.

Staff will look into scheduling a forum to connect business owners with these resources through its partnership with the Chamber of Commerce. The City already pays a membership fee to provide one-on-one advising services locally in South Pasadena. Consultants may meet business owners as often as necessary at their business or other available locations such as the Chamber of Commerce. Provided that a retailer is showing progress in meeting goals defined by SBDC and the retailer, the number of consultations a business may receive is unlimited.

Tobacco Retailers in South Pasadena

There are currently six establishments with active City-issued Tobacco Cigarette Retailer Permits. One retailer is a cigar lounge, Fair Oaks Cigar, which sells tobacco and liquor-related products and allows smoking inside. Two are grocery stores, two are gas stations, and one is a convenience and pharmacy store. There are an additional five retailers selling tobacco products that do not have permits. They consist of one grocery store, two convenience stores, and two gas stations.

Staff Composition of Existing Retailers

Category	Number of Retailers
Cigar lounges	1
Grocery stores	3
Gas stations	4
Associated with bed and breakfast	0
Convenience stores or pharmacies	3
Total	11

The magnitude to which a business relies on revenue generated from tobacco sales varies upon its category and business model. For a large grocery store selling a higher volume of various goods, tobacco-related products might represent a small or even insignificant portion of overall sales.

For small businesses such as gas stations or convenience stores, tobacco sales might represent a significant portion of revenue.

For a cigar lounge, an ordinance prohibiting tobacco sales would likely force the businesses to close down. A cigar lounge relies on tobacco sales as a primary source of revenue, while other businesses may have existing inventory and/or lease agreements. Therefore, a sufficient time for implementing such an ordinance should be evaluated.

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Staff has discussed options with experts in retail tobacco sales, who have indicated that a phased approach to prohibiting tobacco sales would be appropriate and worked well for both Beverly Hills and Manhattan Beach. Considering these issues, staff recommends adopting a provision to exempt the one existing cigar lounge, Fair Oaks Cigars, from the ban. Other businesses that do not rely solely on tobacco sales revenue would not be issued new or renewal permits (permits must be renewed annually or will expire). Under this approach, tobacco products would still be available for sale at one location in South Pasadena, yet others sell off their inventory and explore other products and business models.

Summary of Public Outreach and Engagement

Staff has notified retailers multiple times through in-person visits, mail, email, and telephone of upcoming meetings and discussions and have been in contact with several business owners who have participated in public discussions. The City's website has been continually updated with the latest information, and multiple notices were disseminated notifying retailers and interested parties of public meetings and Commission recommendations. Additionally, the following public meetings and outreach have taken place:

- August 3, 2021 – South Pasadena Chamber of Commerce Regular Meeting;
- August 18, 2021 – Outreach to Fair Oaks Cigar
- September 8-9, 2021 – Police Department staff conducted in-person outreach at all retail establishments that sell tobacco products in the City.
- September 27, 2021— Police Department staff mailed noticing to all retail establishments that sell tobacco products in the City, and emailed noticing to businesses with email addresses on file.
- October 7, 2021 – Police Department staff provided additional in-person outreach reminders
- October 18, 2021 – Public Safety Commission Regular Meeting
- Date TBD – Chamber of Commerce Presentation Meeting

Key Provisions of the Proposed Ordinance

The proposed ordinance includes two modifications to Article VI of Chapter 18 of the South Pasadena Municipal Code. The proposed ordinance:

1. States that it shall be unlawful for any Retailer to sell or offer for sale any Tobacco Product; and
2. Establishes a six-month delay from the tobacco ban for any retailer operating at the effective date of the Ordinance. This delay provides all existing tobacco retailers with six months to sell their remaining inventory of tobacco products. This provision is recommended to avoid any takings challenge (1). Allowing tobacco retailers a reasonable time to amortize the value of any investment in property, i.e., selling any remaining tobacco products that cannot be used after the prohibition takes effect.

1. *Metromedia, Inc. v. City of San Diego*, 28 Cal.3d 848, 882 (1980), reversed on other grounds, 453 U.S. 490 (1981); *Safeway Inc. v. City & Cty. of San Francisco*, 797 F. Supp. 2d 964 (N. D. Cal. 2011).

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Ordinances go into effect 31 days after adoption by City Council. The ordinance includes a six-month implementation period after the effective date of the ordinance. This allows the City to notify tobacco retailers in South Pasadena and time for tobacco retailers to sell their existing inventory of tobacco products and comply with the ban. Tobacco retailers have indicated that they could face a financial strain if an ordinance were to go into effect immediately. If City Council were to adopt the ordinance as presented, the implementation timeline would be as follows:

- December 1, 2021: First Reading of Ordinance
- December 15, 2021: Second Reading
- January 15, 2022: Ordinance Takes Effect
- July 15, 2022: Enforcement Takes Effect

Enforcement

SPMC 18.113 already sets forth the enforcement provisions of the existing City's Tobacco Retailer Permitting Regulations. The proposed ordinance would be subject to these same enforcement provisions. Additionally, the Municipal Code includes a provision for compliance monitoring that allows a "youth decoy" to participate in compliance checks supervised by a peace officer or code enforcement official of the City. The City intends to continue in this manner with already established enforcement mechanisms.

Fiscal Impact

Should City Council choose to adopt a ban on the sales of all tobacco products, the most direct fiscal impact to the City would be the elimination of revenue from issuing the Tobacco Retailer Permits. The 2021/22 fee for these permits is \$120, paid annually by each retailer. Since there are currently eleven retailers in the City, staff estimates the loss of permit revenue to be approximately \$1,320 using FY 2021/22 fee amounts. The permit revenue is a cost-recovery fee; therefore, staff time involved in the administration and enforcement of the permits could be reallocated to other activities.

Environmental Considerations

The action considered is exempt from the California Environmental Quality Act (CEQA), as it is not considered a "project" pursuant to Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this morning by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

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Attachments:

- A. Draft ordinance regarding "Prohibition of Tobacco Sales."
- B. SPMC Article VI Chapter 18
- C. CDC Fast Facts
- D. Findings from the California Tobacco Program Media Campaign Evaluation Endgame Questions
- E. Ordinance 2184
- F. Not for Sale: The State Authority to End Cigarette Sales
- G. South Pasadena Climate Action Plan
- H. Metromedia, Inc. v. City of San Diego, 28 Cal.3d 848, 882 (1980)
- I. Safeway Inc. v. City & Cty. of San Francisco, 797 F. Supp. 2d 964 (N. D. Cal. 2011)
- J. Public notice provided to retailers
- K. Public comment received as of October 14, 2021 at 4:00pm

ATTACHMENT A

Draft ordinance regarding "Prohibition of Tobacco
Sales."

ORDINANCE NO. [_____]

AN ORDINANCE OF THE CITY OF SOUTH PASADENA AMENDING PASADENA
MUNICIPAL CODE CHAPTER 18, ARTICLE VI TO PROHIBIT THE SALE OF ALL
TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES.

WHEREAS, tobacco use causes disease and death and constitutes an urgent public health threat as it remains the leading cause of preventable death and disability in the United States, with 480,000 people dying prematurely in the United States from smoking-related diseases every year. In the United States, smoking is responsible for about one in every five deaths, more deaths each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, microbial agents, and toxic agents combined.

WHEREAS, cigarette smoking kills 40,000 Californians annually, and is the cause of more than one in four cancer deaths in California.

WHEREAS, tobacco use can affect nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. According to the World Health Organization, tobacco use accounts for the greatest cause of death worldwide, responsible for nearly 6 million deaths per year. Over 16 million Americans have at least one disease caused by smoking.

WHEREAS, secondhand smoke, according to the Centers for Disease Control and Prevention, causes stroke, lung cancer, and coronary heart disease in adults. In addition, it increases risks for sudden infant death syndrome, respiratory symptoms, middle-ear disease, and slows lung growth in children.

WHEREAS, smoking costs California \$13.29 billion in annual health care expenses, \$3.58 billion in Medicaid costs caused by smoking, and \$10.35 billion in smoking-caused productivity losses.

WHEREAS, unless smoking rates decline, 441,000 of California youth alive today will die prematurely. California youth tobacco usage is increasing. The U.S. Surgeon General declared youth e-cigarette use an “epidemic,” and 1 in 10 Los Angeles County high school students say they are current e-cigarette users.

WHEREAS, the City of South Pasadena recognizes that the use of tobacco products has devastating health and economic consequences.

WHEREAS, cigarette butts are the most-littered object in the world and the item most often found in beach cleanups globally. Cigarette butts contribute nonbiodegradable plastic, nicotine, heavy metals, pesticides, and other toxic substances to land and marine environments, down to the bottom of the oceans. California’s Trash Amendments, a standard under the federal Clean Water Act, will soon require municipalities to prevent or capture trash such as cigarette butts and other tobacco product waste before it enters state waterways.

WHEREAS, it is the intent of the Council of the City of South Pasadena to provide for the public’s health, welfare, and safety by protecting its residents, especially young people, from the inherent dangers of tobacco use.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH PASADENA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby amends the South Pasadena Municipal Code Chapter 18, Article VI to read as follows:

ARTICLE VI – PROHIBITION OF THE RETAIL SALE OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES

[18.101] – DEFINITIONS.

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

[(a) “Cigar” means any roll of tobacco other than a cigarette wrapped entirely in tobacco or any substance containing tobacco and weighing more than 4.5 pounds per thousand.]

[(b) “Cigar Lounge” means a tobacco retailer that (1) contains an enclosed area in or attached to the tobacco retailer that is dedicated to the use of cigars, (2) does not sell any tobacco products other than cigars, and (3) only permits patrons who are the state minimum age to purchase (currently 21 years of age or older) to enter the premises.]

(c) “Department” means the finance department and any agency or person designated by the department to enforce or administer the provisions of this article.

(d) “Electronic Smoking Device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine and whether or not sold separately. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(e) “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(f) “Sale” or “Sell” means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

(g) “Tobacco Product” means: 1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine and whether or not sold separately; or 3) any component, part, or accessory of 1) or 2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes. “Tobacco Product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(h) “Tobacco Retailer” means any person who sells, exchanges, or offers to sell or exchange, for any form of consideration, tobacco products or electronic smoking devices. This definition is without regard to the quantity of tobacco products sold, offered for sale, exchanged, or offered for exchange.

(i) “Tobacco Retailing” means engaging in the activities of a tobacco retailer.

[18.102] – PROHIBITIONS.

(a) It shall be unlawful for any person to sell or offer for sale a tobacco product in the city.

[(b) This section shall not apply to a cigar lounge that:

- (1) is in compliance with State law;
- (2) does not allow the use of any tobacco products, except cigars, on the premises;
- (3) for all cigar sales, conducts them in-person in the location licensed as of [effective date];
- (4) holds a valid tobacco retailer permit in the city and is operating as a cigar lounge as of [effective date];
- (5) has not changed ownership after [effective date];
- (6) has not expanded in size or changed its location after [effective date]; and
- (7) does not close for more than [60 consecutive days] after [effective date].]

[18.XXX] – ENFORCEMENT.

- (a) Compliance with this article shall be monitored by the department. The city may designate any number of additional persons to monitor compliance with this article.
- (b) Violations of this article are subject to a civil action brought by the city prosecutor or the city attorney, punishable by a civil fine not less than two hundred fifty dollars and not exceeding one thousand dollars per violation.
- (c) Violations of this article may, in the discretion of the city prosecutor, be prosecuted as infractions or misdemeanors when the interests of justice so require.
- (d) Any violation of this article is hereby declared to be a public nuisance.
- (e) The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity. In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by a civil action brought by the city attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. (Ord. No. 2258, § 25, 2013.)
- (f) For the purposes of the civil remedies permitted under this article and state law, each day on which a tobacco product or electronic smoking device is offered for sale in violation of this article, and each individual tobacco product or electronic smoking device that is sold, or offered for sale in violation of this article, shall constitute a separate violation of this article.

[18.XXX] – IMPLEMENTATION. The City shall not enforce this article until [effective date + 6 months].

[18.XXX] – HARDSHIP EXEMPTION.

- (a) An application for a hardship exemption to extend the time to comply with this article may be filed pursuant to this section.
- (b) The term of any hardship exemption granted under this article shall be no longer than 12 months beyond the effective date of this article.
- (c) Any tobacco retailer [, other than a cigar lounge,] that wishes to sell tobacco products on or after [July 1, 2022], may apply for one hardship exemption. A tobacco retailer must submit a complete

application for a hardship exemption at any time between [January 1, 2022, and April 31, 2022]. Such application shall be made in writing on a form prescribed by the department and shall be accompanied by the filing fee established by resolution of the City Council. The tobacco retailer shall bear the burden of proof in establishing, by a preponderance of the evidence, that the application of this [Ordinance No.____], amending South Pasadena's Municipal Code Chapter 18, to the tobacco retailer's business is unreasonable, and will cause significant hardship to the tobacco retailer by not allowing the tobacco retailer to recover his or her investment backed expectations. The tobacco retailer applying for the exemption shall furthermore be required, in order to meet its burden of proof, to submit the documents set forth in this section.

(d) A complete application for a hardship exemption shall include the following:

- (1) The tobacco retailer's name and street address of business;
- (2) The address to which notice is to be mailed, at the tobacco retailer's option, a telephone number and email address;
- (3) The tobacco retailer's signature;
- (4) A declaration, under penalty of perjury, that all the information in the application is true and correct;
- (5) The term of the requested extension not to exceed the maximum length of time permissible under [subsection (b)] of this section;
- (6) Documentation relevant to the information requested in [subsection (e)] of this section; and
- (7) The required filing fee.

(e) In determining whether to grant a hardship exemption to the tobacco retailer, and in determining the appropriate length of time that the tobacco retailer will be authorized to continue retailing, the hearing officer, or City Council on appeal by the tobacco retailer, may consider, among other factors:

- (1) The percentage of the retail sales over the last three years that have been derived from tobacco products;
- (2) The amount of investment in the business;
- (3) The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
- (4) The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
- (5) The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
- (6) The remaining lease term of the business, if any;
- (7) The ability of the retailer to sell other products;
- (8) The opportunity for relocation of the business and the cost of relocation;

(9) A business plan demonstrating how long the business will need to sell tobacco products to recoup any investment backed expectations, and a plan for phasing out the sale of those products; and

(10) Information submitted by City staff, including but not limited to: information regarding the prevalence of tobacco use; opportunities for business assistance in finding alternatives to selling tobacco products; costs associated with tobacco use including healthcare and lost productivity costs; and the retailer's history of compliance with federal, state and local laws relating to tobacco control and other business regulations.

(f) The hardship exemption hearing shall be conducted by an Administrative Hearing Officer appointed by the City Council. Written notice of the time and place of the hearing shall be given at least 10 calendar days prior to the date of the hearing to the retailer by the City either by causing a copy of such notice to be delivered to the retailer personally or by mailing a copy thereof, postage prepaid, addressed to the retailer at the address shown on the hardship exemption application.

(g) Within 45 days after a completed application is filed, the hearing officer shall open the hearing on the hardship exemption. The hearing officer shall receive and consider evidence presented by the retailer and City staff, and shall determine whether to grant or deny the hardship exemption, and if granting the hardship exemption, the length of time that the retailer will be permitted to operate. The hearing officer shall make written findings in support of the decision. The decision of the hearing officer shall be final and conclusive, unless a timely and complete appeal is filed by the retailer with the City Clerk pursuant to subsection (h) of this Section.

(h) Any decision of the hearing officer may be appealed by the tobacco retailer by filing a complete notice of appeal with the City Clerk within 15 days after notice of the decision was mailed to the applicant. To be deemed complete, the notice of appeal shall be signed by the tobacco retailer, shall state the grounds for disagreement with the decision of the hearing officer, and shall be accompanied by the filing fee established by resolution of the City Council.

(i) Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the hardship exemption.

(j) A tobacco retailer may continue to sell tobacco products while a hardship exemption application is pending before a hearing office or on appeal to the City Council.

(k) Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.

[18.XXX] – SEVERABILITY. If any portion or provision of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the validity of the remaining portions or provisions or their application and, to this end, the provisions of this Ordinance are severable.

[18.XXX] – CERTIFICATION AND PUBLICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

[18.XXX] – EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at _____
on [_____].

ATTACHMENT B
SPMC Article VI Chapter 18

ARTICLE VI. TOBACCO RETAILER PERMIT

18.101 Definitions.Share

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

(f) “Smoking” means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind), and means the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind).

(g) “Tobacco product” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(h) “Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. “Tobacco retailing” means the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange. A tobacco retailer can be a primary or accessory land use (as defined in SPMC 36.700.020 or its successor). (Ord. No. 2258, § 23, 2013.)

18.102 Requirements and prohibitions.

(a) Tobacco Retailer Permit Required. It is unlawful for any person to act as a tobacco retailer in the city without first obtaining and maintaining a valid tobacco retailer permit (“permit”) pursuant to this article for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer permit is a nuisance as a matter of law.

18.103 Limits on eligibility for a tobacco retailer permit.

(b) No tobacco retailer may be located within five hundred feet of any public school as measured from the closest point on the property line of the parcels containing the retailer’s establishment and the school. Such measurement shall be in a straight line without regard to intervening structures. No existing business within five hundred feet of a public school may begin operation as a tobacco retailer after the effective date of the ordinance codified in this section. (Ord. No. 2258, § 23, 2013.)

18.104 Application procedure.

(a) Application for a tobacco retailer permit shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof.

(b) It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer permit. No proprietor may rely on the issuance of a permit as a determination by the city that the proprietor has complied with all state and federal laws applicable to tobacco retailing. A permit issued contrary to this article, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to Section 18.111(d) of this article. Nothing in this article shall be construed to vest in any person obtaining and maintaining a tobacco retailer permit any status or right to act as a tobacco retailer in contravention of any provision of law.

18.105 Issuance of permit.

Upon the receipt of a complete application for a tobacco retailer permit and the permit fee required by this article, the department shall issue a permit unless substantial evidence demonstrates that one or more of the following bases for denial exists:

18.106 Permit renewal and expiration.

(a) Renewal of Permit. A tobacco retailer permit is invalid if the appropriate fee has not been timely paid in full or if the term of the permit has expired. The term of a tobacco retailer permit is one year. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer permit and submit the permit fee no later than thirty days prior to expiration of the term.

(b) Expiration of Permit. A tobacco retailer permit that is not timely renewed shall expire at the end of its term. To renew a permit not timely renewed pursuant to subsection (a), the proprietor must:

18.109 Fee for permit.

The initial fee to issue or to renew a tobacco retailer permit is hereby established at one hundred twenty dollars or as set and amended from time to time by city council resolution. The fee shall be calculated so as to recover the cost of administration and enforcement of this article, including, for example, issuing a permit, administering the permit program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this article. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law. (Ord. No. 2258, § 24, 2013.)

18.110 Compliance monitoring.

(a) Compliance with this article shall be monitored by the finance department. In addition, any peace officer may enforce the penal provisions of this article. The city may designate any number of additional persons to monitor compliance with this article.

(b) The department or other person designated to enforce the provisions of this article shall check the compliance of each tobacco retailer at least one time per twelve-month period. The department may check the compliance of new permit and tobacco retailers previously found in violation of the licensing law more frequently. Nothing in this subsection shall create a right of action in any permittee or other person against the city or its agents.

(d) The city shall not enforce any law establishing a minimum age for tobacco purchases or possession against a person who otherwise might be in violation of such law because of the person's age (hereinafter "youth decoy") if the potential violation occurs when:

(1) The youth decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the city of South Pasadena;

18.113 Enforcement.

(a) Violations of this article are subject to a civil action brought by the city prosecutor or the city attorney, punishable by a civil fine not less than two hundred fifty dollars and not exceeding one thousand dollars per violation.

(b) Violations of this article may, in the discretion of the city prosecutor, be prosecuted as infractions or misdemeanors when the interests of justice so require.

(c) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall also constitute a violation of this article.

(d) Any violation of this article is hereby declared to be public nuisances.

(e) The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity. In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by a civil action brought by the city attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. (Ord. No. 2258, § 25, 2013.)

ATTACHMENT C

CDC Fast Facts

Fast Facts

Diseases and Death

Smoking leads to disease and disability and harms nearly every organ of the body.¹

- More than 16 million Americans are living with a disease caused by smoking.
- For every person who dies because of smoking, at least 30 people live with a serious smoking-related illness.
- Smoking causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis.
- Smoking also increases risk for tuberculosis, certain eye diseases, and problems of the immune system, including rheumatoid arthritis.
- Smoking is a known cause of erectile dysfunction in males.

Smoking is the leading cause of preventable death.

- Worldwide, tobacco use causes more than 7 million deaths per year.² If the pattern of smoking all over the globe doesn't change, more than 8 million people a year will die from diseases related to tobacco use by 2030.³
- Cigarette smoking is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day.¹
- On average, smokers die 10 years earlier than nonsmokers.⁴
- If smoking continues at the current rate among U.S. youth, 5.6 million of today's Americans younger than 18 years of age are expected to die prematurely from a smoking-related illness. This represents about one in every 13 Americans aged 17 years or younger who are alive today.¹

Costs and Expenditures

Smoking costs the United States billions of dollars each year.^{1,7}

- Total economic cost of smoking is more than \$300 billion a year, including
 - More than \$225 billion in direct medical care for adults⁵
 - More than \$156 billion in lost productivity due to premature death and exposure to secondhand smoke¹

The tobacco industry spends billions of dollars each year on cigarette and smokeless tobacco advertising and promotions.^{6,7}

- \$8.2 billion was spent on advertising and promotion of cigarettes and smokeless tobacco combined—about \$22.5 million every day, and nearly \$1 million every hour. Smokeless tobacco products include dry snuff, moist snuff, plug/twist, loose-leaf chewing tobacco, snus, and dissolvable products.
- Price discounts to retailers account for 74.7% of all cigarette marketing (about \$5.7 billion). These are discounts paid in order to reduce the price of cigarettes to consumers.

State spending on tobacco prevention and control does not meet CDC-recommended levels.^{1,8,9}

- States have billions of dollars from the taxes they put on tobacco products and money from lawsuits against cigarette companies that they can use to prevent smoking and help smokers quit. Right now, though, the states only use a very small amount of that money to prevent and control tobacco use.
- In fiscal year 2020, states will collect \$27.2 billion from tobacco taxes and settlements in court, but will only spend \$740 million in the same year. That's only 2.7% of it spent on programs that can stop young people from becoming smokers and help current smokers quit.⁸
- Right now, not a single state out of 50 funds these programs at CDC's "recommended" level. Only three states (Alaska, California, and Maine) give even 70% of the full recommended amount. Twenty-eight states and the District of Columbia spend less than 20 percent of what the CDC recommends. One state, Connecticut, gives no state funds for prevention and quit-smoking programs.⁸
- Spending 12% (about \$3.3 billion) of the \$27.2 billion would fund every state's tobacco control program at CDC-recommended levels.⁸

Cigarette Smoking in the US

Percentage of U.S. adults aged 18 years or older who were current cigarette smokers in 2018:¹⁰

- 13.7% of all adults (34.2 million people): 15.6% of men, 12.0% of women
 - About 19 of every 100 people with mixed-race heritage (non-Hispanic) (19.1%)
 - Nearly 23 of every 100 non-Hispanic American Indians/Alaska Natives (22.6%)
 - Nearly 15 of every 100 non-Hispanic Blacks (14.6%)
 - About 15 of every 100 non-Hispanic Whites (15.0%)
 - Nearly 10 of every 100 Hispanics (9.8%)
 - About 7 of every 100 non-Hispanic Asians (7.1%)

Note: Current cigarette smokers are defined as people who reported smoking at least 100 cigarettes during their lifetime and who, at the time they participated in a survey about this topic, reported smoking every day or some days.

Thousands of young people start smoking cigarettes every day.¹¹

- Each day, about 2000 people younger than 18 years smoke their first cigarette.
- Each day, over 300 people younger than 18 years become daily cigarette smokers.

Many adult cigarette smokers want to quit smoking.










- In 2015, nearly 7 in 10 (68.0%) adult cigarette smokers wanted to stop smoking.
- In 2018, more than half (55.1%) adult cigarette smokers had made a quit attempt in the past year.
- In 2018, more than 7 out of every 100 (7.5%) people who tried to quit succeeded.
- From 2012–2018, the *Tips From Former Smokers*® campaign has motivated approximately one million tobacco smokers to quit for good.¹³

Note: "Made a quit attempt" refers to smokers who reported that they stopped smoking for more than 1 day in the past 12 months because they were trying to quit smoking. See CDC's *Smoking Cessation: Fast Facts* fact sheet for more information.

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Organization, 2017 [accessed 2019 Jan 31].

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Page last reviewed: June 2, 2021

ATTACHMENT D

Findings from the California Tobacco Program Media Campaign Evaluation Endgame Questions

Findings from the California Tobacco Control Program Media Campaign Evaluation Endgame Questions

Data request for South Pasadena

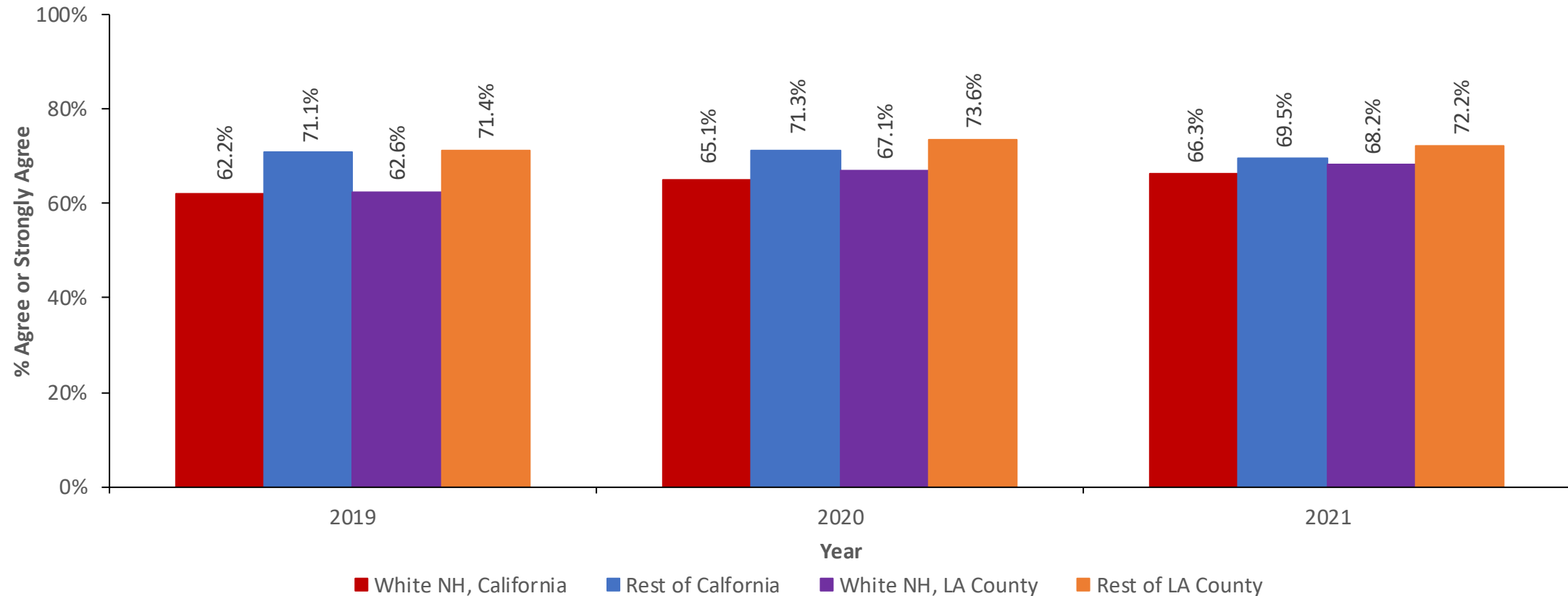
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Methods

- The California Tobacco Control Program's (CTCP) Media Campaign Evaluation Survey is a panel, non-probability-based online survey conducted monthly
- Monthly sample sizes include about 3,000 Californians and 1,500 people in the rest of the United States (US), to compare Californians who are exposed to CTCP's campaigns with those living outside of California, who have not been exposed
 - Data presented in these slides are for California residents only
 - Sample size was sufficient enough to provide breakouts for Los Angeles County residents
- Respondents are between 18-55 years old
- The survey asks respondents about their attitudes, beliefs, and knowledge related to tobacco use and policies, and awareness, recall, and opinions of California's tobacco media campaigns
- Results presented in subsequent slides contain percentages pooled by year and weighted to be representative of both the California and Los Angeles County residents between ages 18 and 55
- Data were collected between August 14, 2019 and April 23, 2021
- All slides with significant trend over time include p-values (p-value considered significant if $p < .05$)
- Due to small sample size, data on Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and multiracial (two or more races) respondents are combined in the presentation as "other"
- Since the sample was sufficient, we also provide data on ethnic Chinese respondents

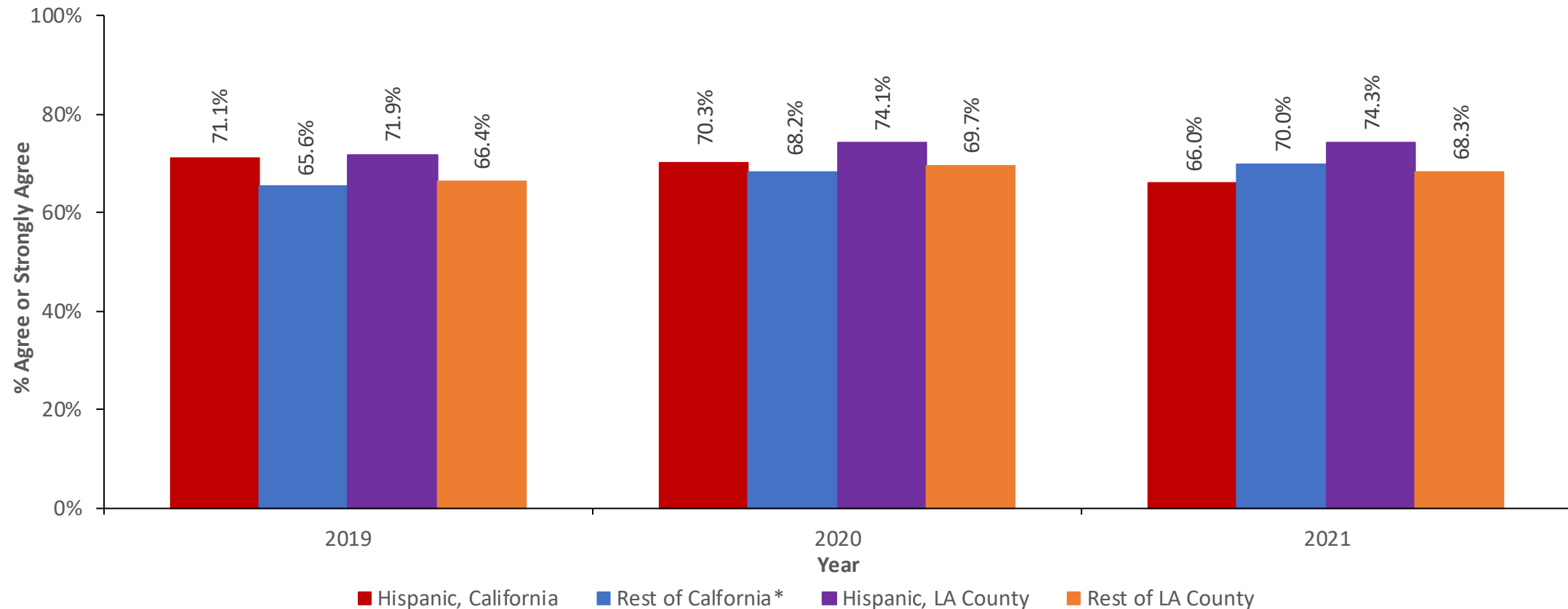
Percentage of respondents who
agreed/strongly agreed with the following
statement: “Cigarette sales should be phased
out completely over the next 5 years.”

Support for Cigarette Sales to be Phased Out Completely Over the Next 5 Years among non-Hispanic Whites by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



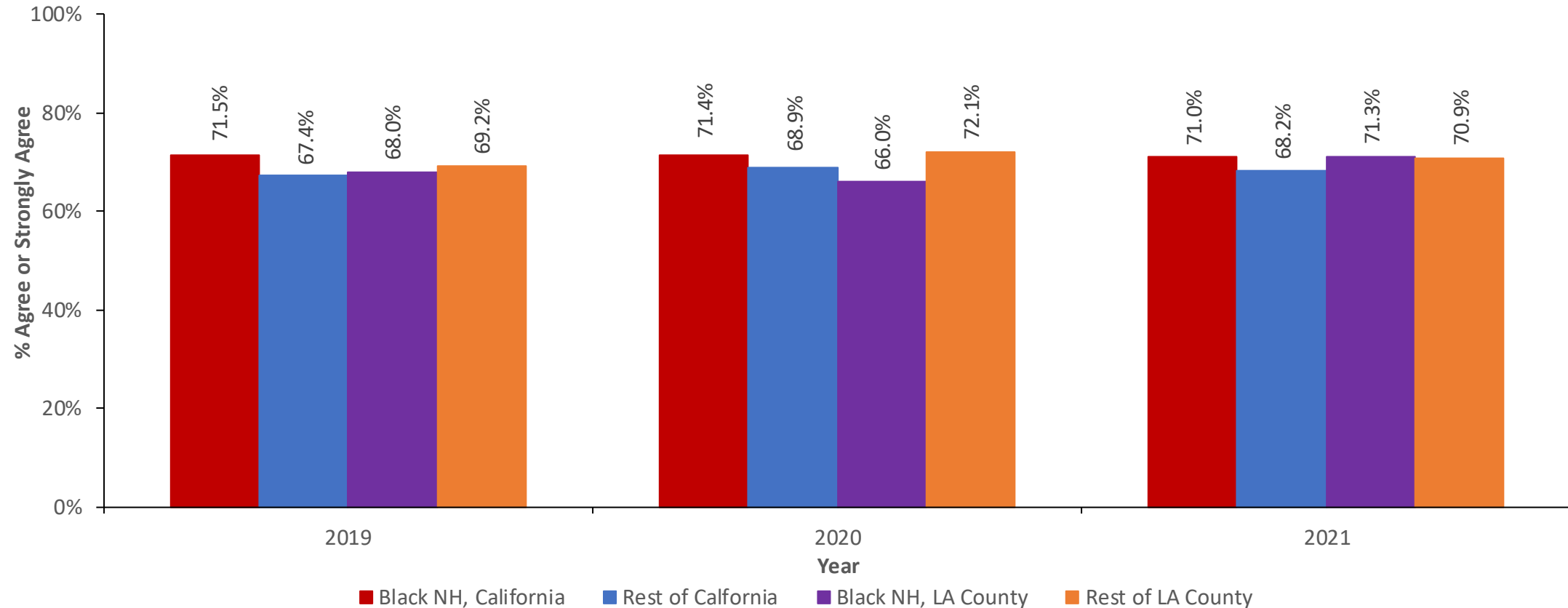
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "Cigarette sales should be phased out completely over the next 5 years." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Cigarette Sales to be Phased Out Completely Over the Next 5 Years among Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



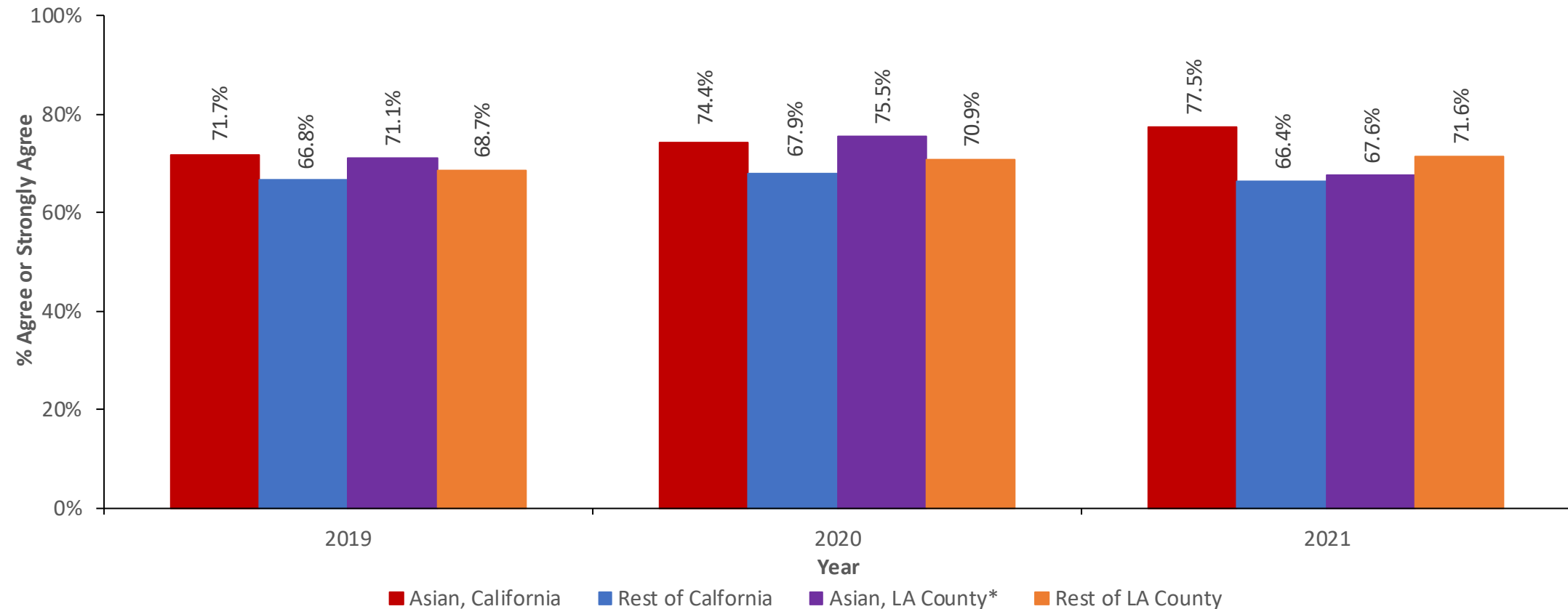
Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "Cigarette sales should be phased out completely over the next 5 years." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Cigarette Sales to be Phased Out Completely Over the Next 5 Years among Black non-Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



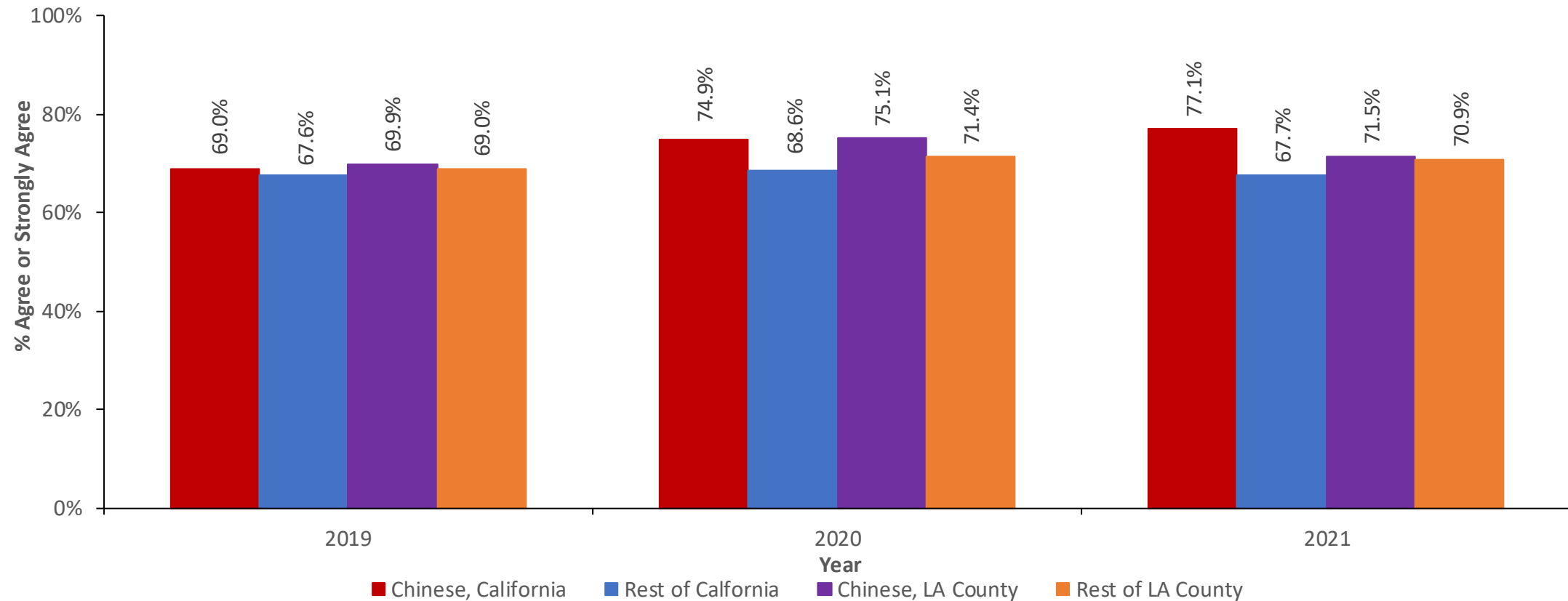
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "Cigarette sales should be phased out completely over the next 5 years." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Cigarette Sales to be Phased Out Completely Over the Next 5 Years among Asians by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



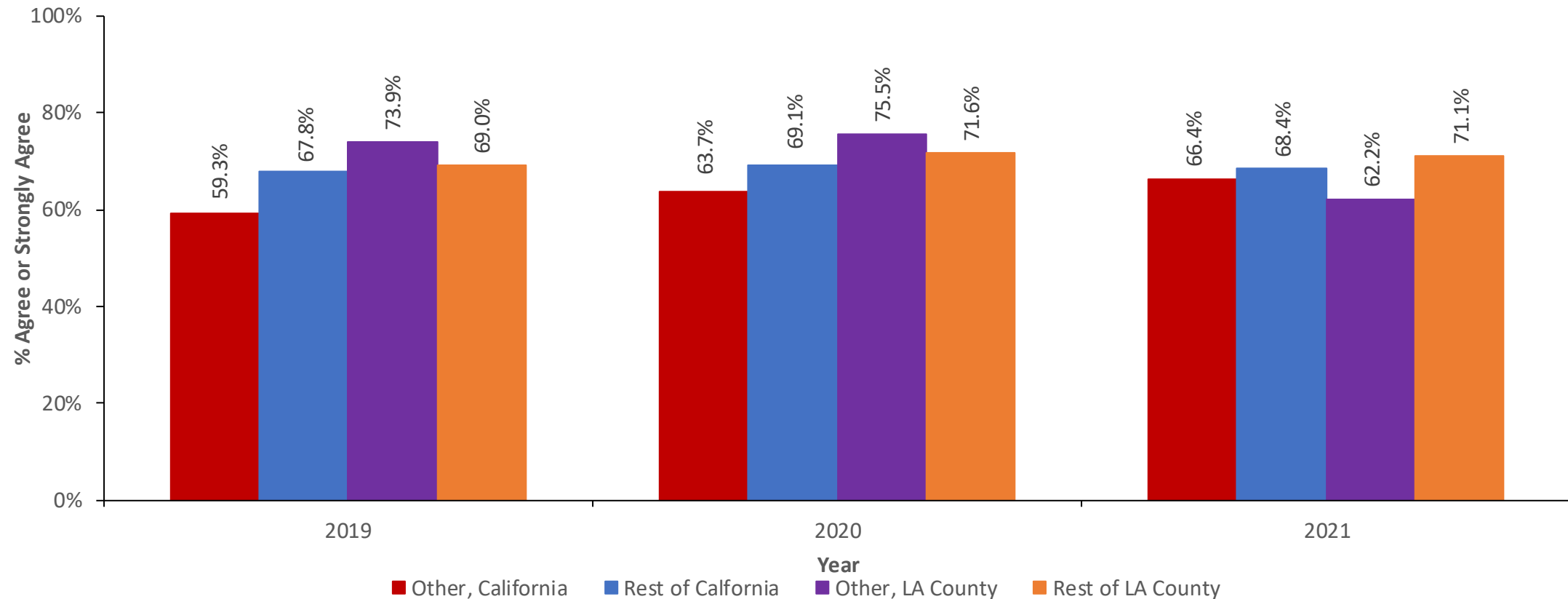
Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "Cigarette sales should be phased out completely over the next 5 years." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Cigarette Sales to be Phased Out Completely Over the Next 5 Years among Chinese California Residents and Chinese Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "Cigarette sales should be phased out completely over the next 5 years." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

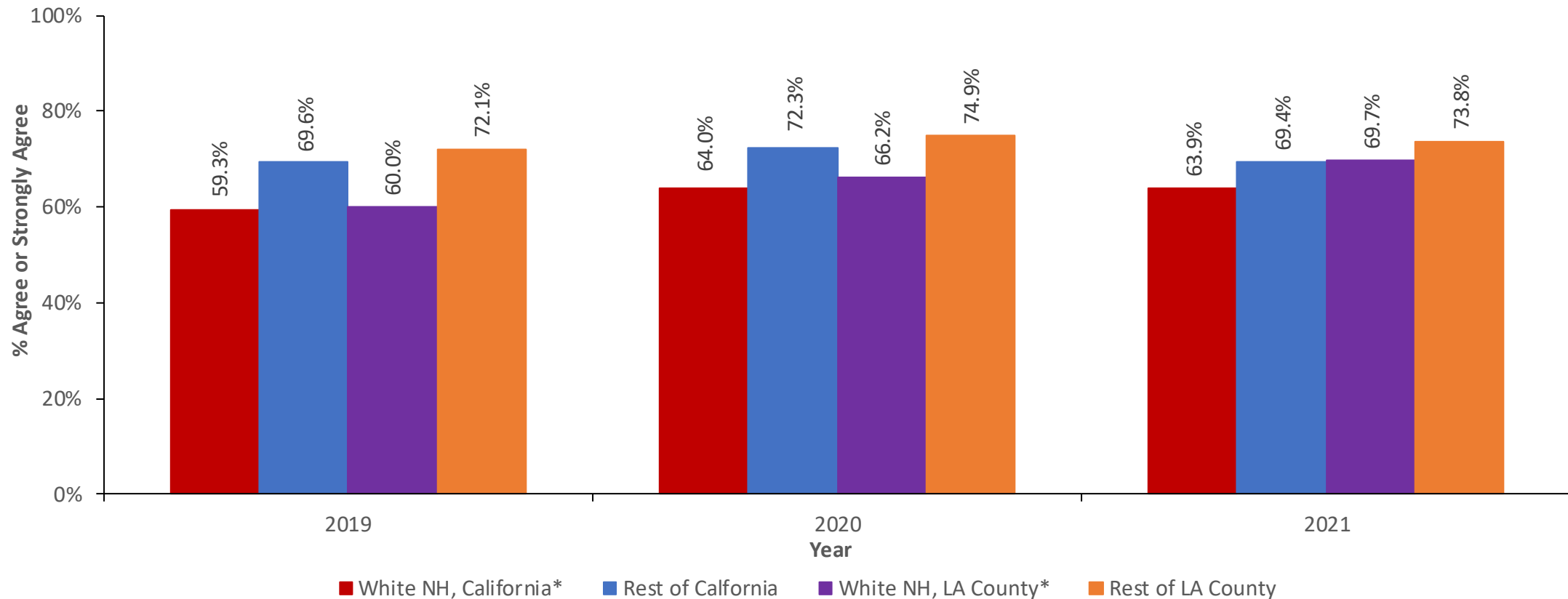
Support for Cigarette Sales to be Phased Out Completely Over the Next 5 Years among Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Multiracial (Other) California and Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. "Other" combines Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and multiracial (two or more races) respondents due small sample sizes. Percentage of respondents who agreed/strongly agreed with the following statement: "Cigarette sales should be phased out completely over the next 5 years." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

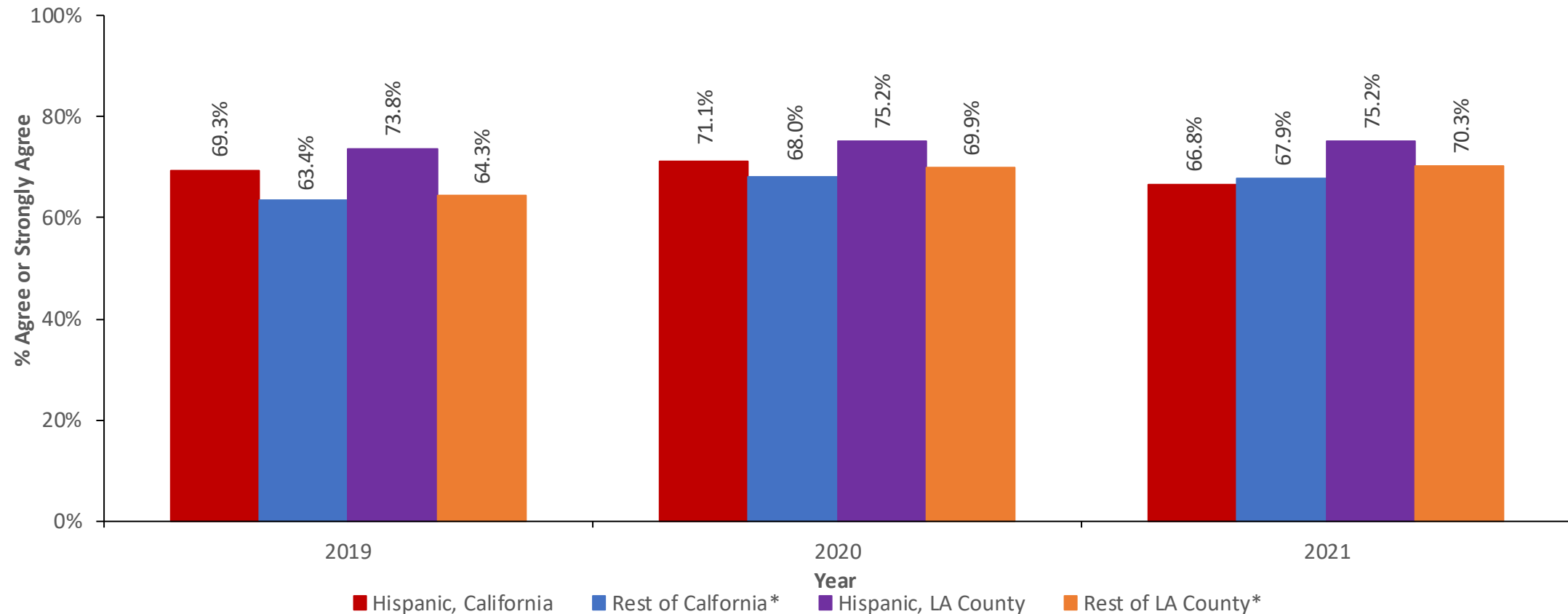
Percentage of respondents who agreed/strongly agreed with the following statement: “The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches.”

Support for Restriction of Sale of Nicotine Products (Except Nicotine Replacement Therapy) among non-Hispanic Whites by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



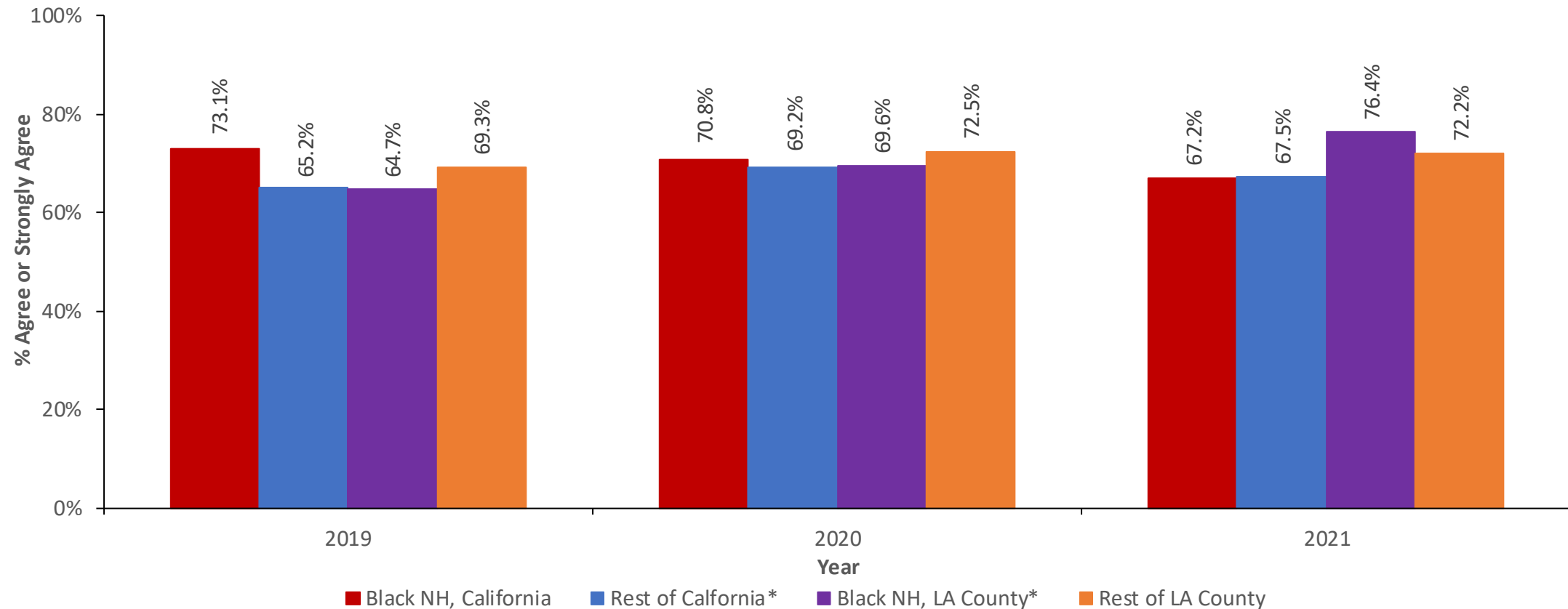
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Restriction of Sale of Nicotine Products (Except Nicotine Replacement Therapy) among Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



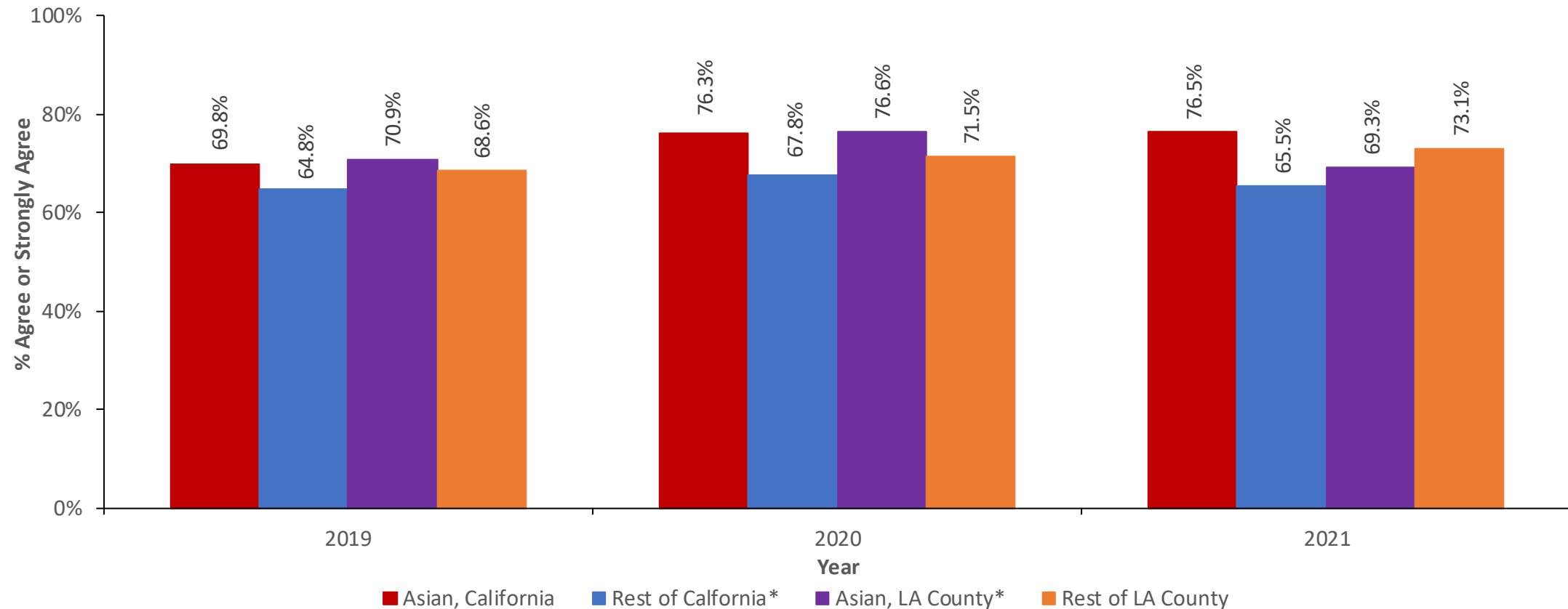
Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Restriction of Sale of Nicotine Products (Except Nicotine Replacement Therapy) among Black non-Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



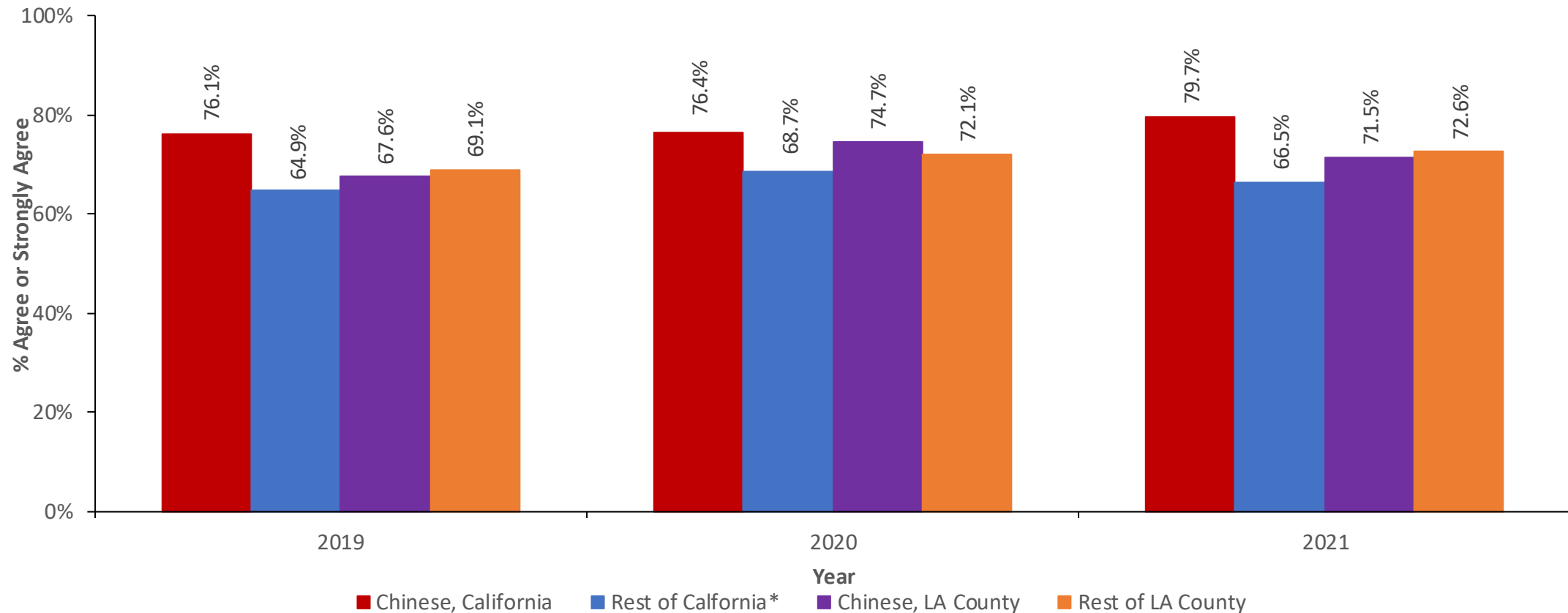
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Restriction of Sale of Nicotine Products (Except Nicotine Replacement Therapy) among Asians by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



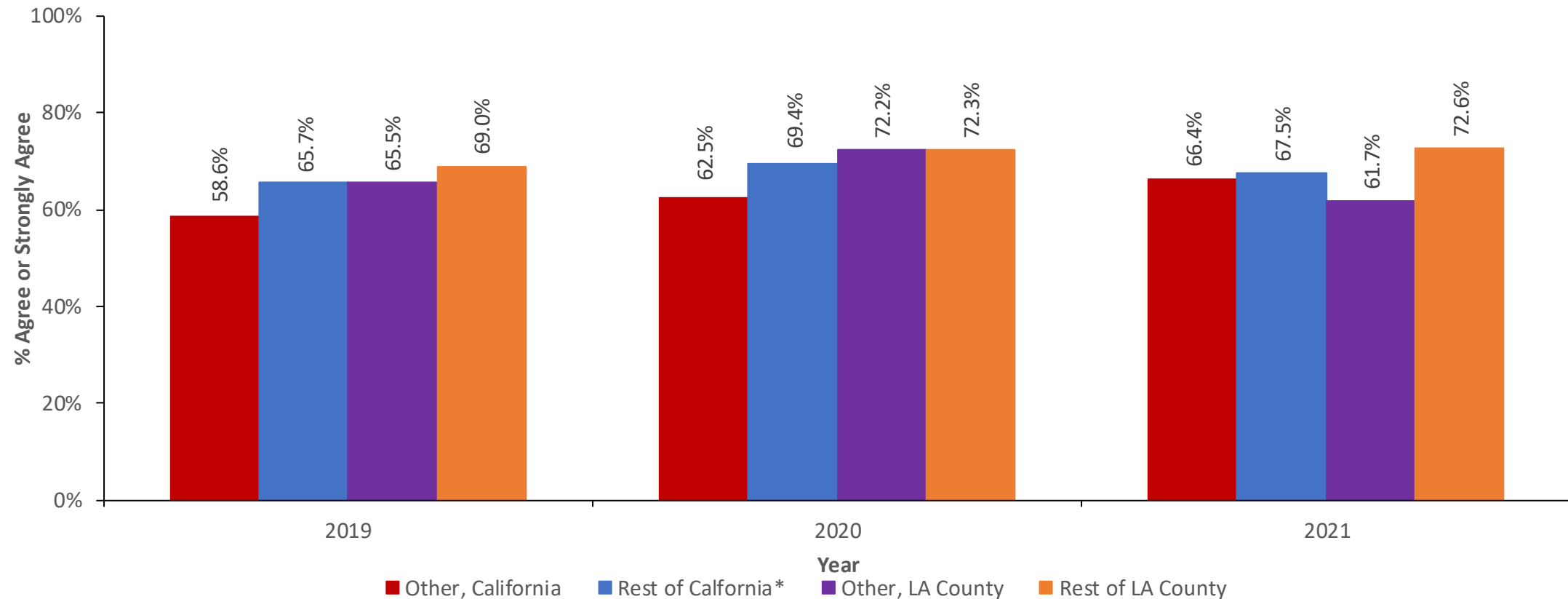
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Restriction of Sale of Nicotine Products (Except Nicotine Replacement Therapy) among Chinese California Residents and Chinese Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

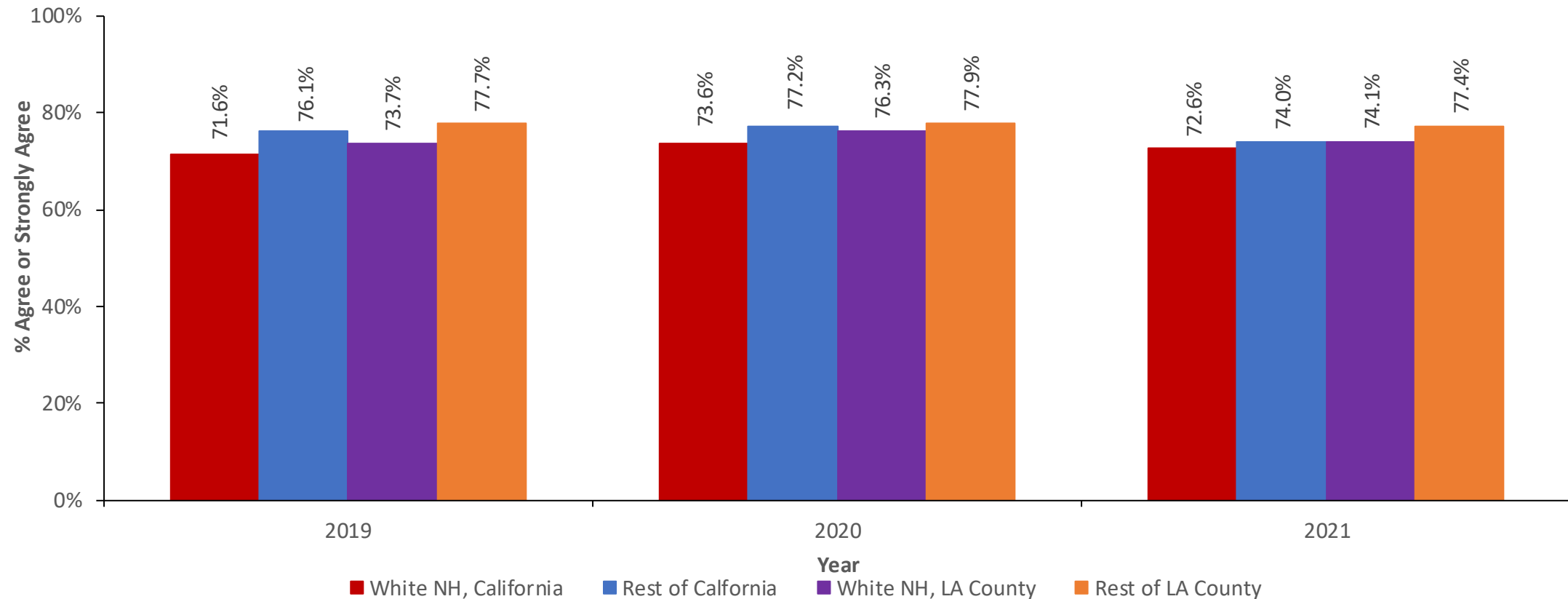
Support for Restriction of Sale of Nicotine Products (Except Nicotine Replacement Therapy) among Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Multiracial (Other) California and Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. "Other" combines Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and multiracial (two or more races) respondents due small sample sizes. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of products that contain nicotine should not be allowed, except for aids that help smokers quit, such as nicotine gum and patches." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

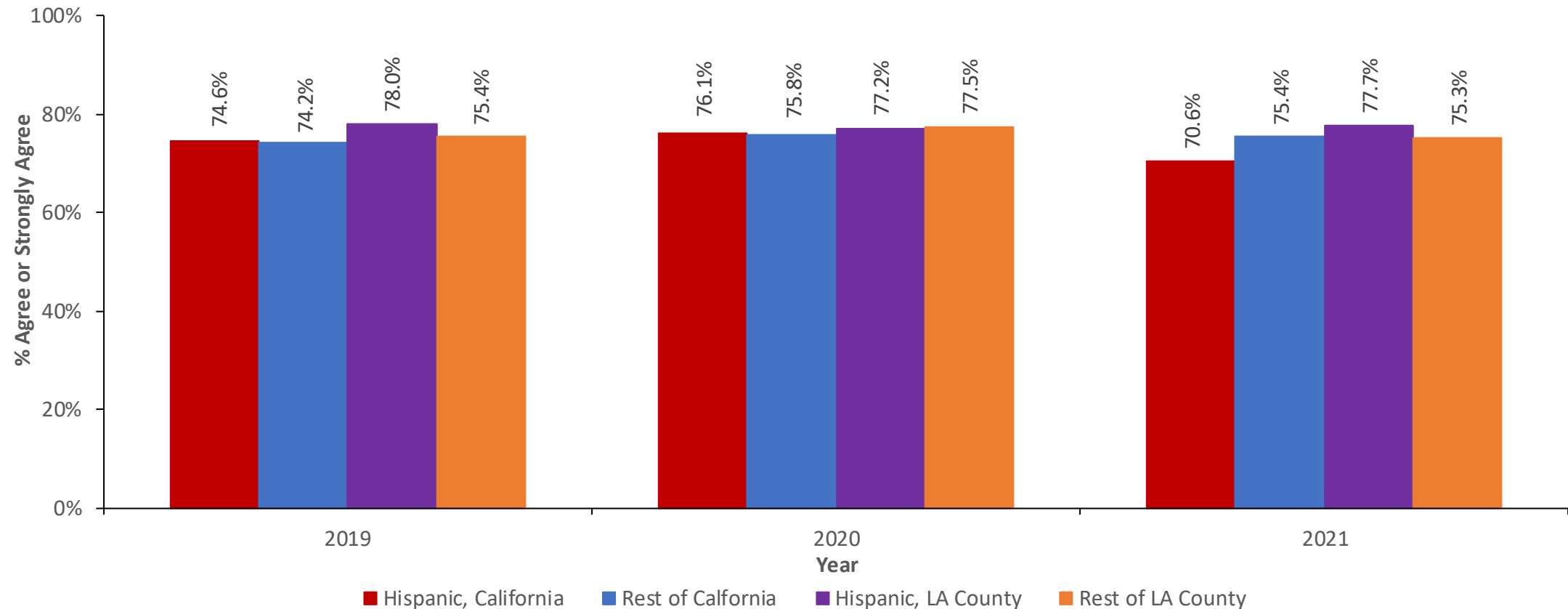
Percentage of respondents who agreed/strongly agreed with the following statement: “I’d support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products.”

Support for Regulation to Ban or Restrict Sale of Flavored Tobacco Products among non-Hispanic Whites by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



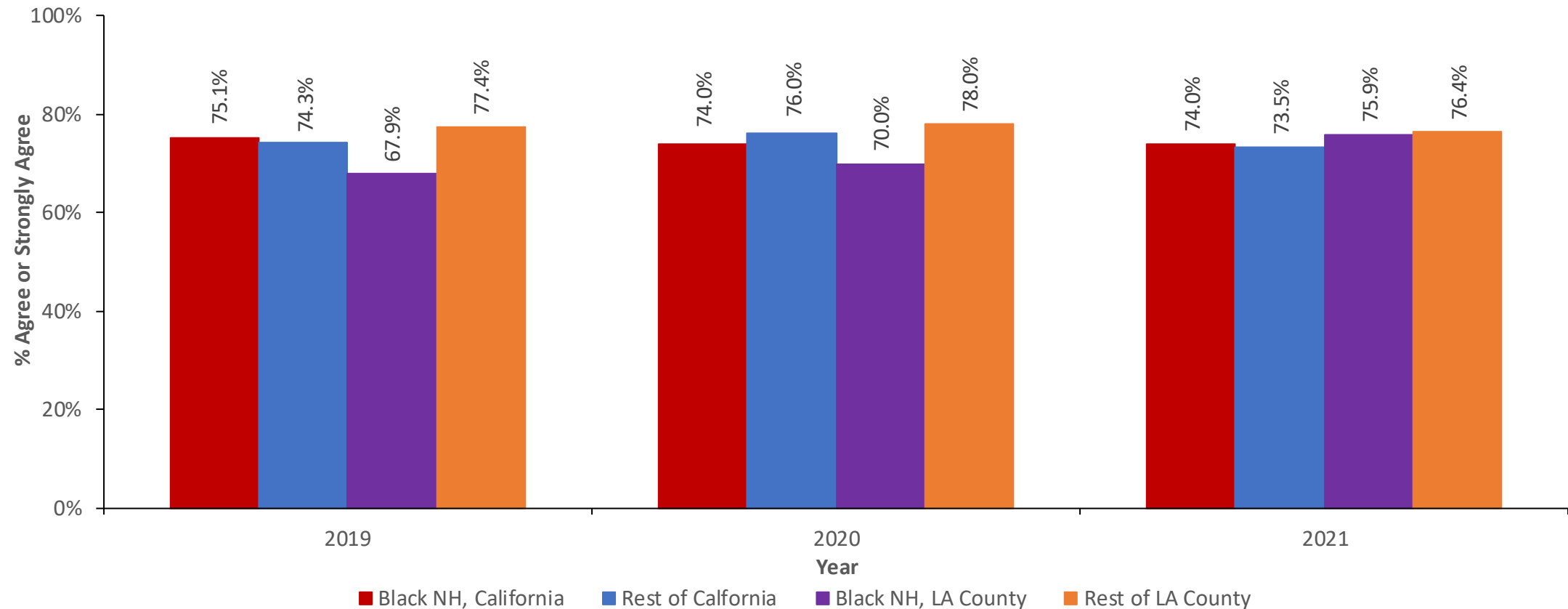
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "I'd support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Regulation to Ban or Restrict Sale of Flavored Tobacco Products among Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



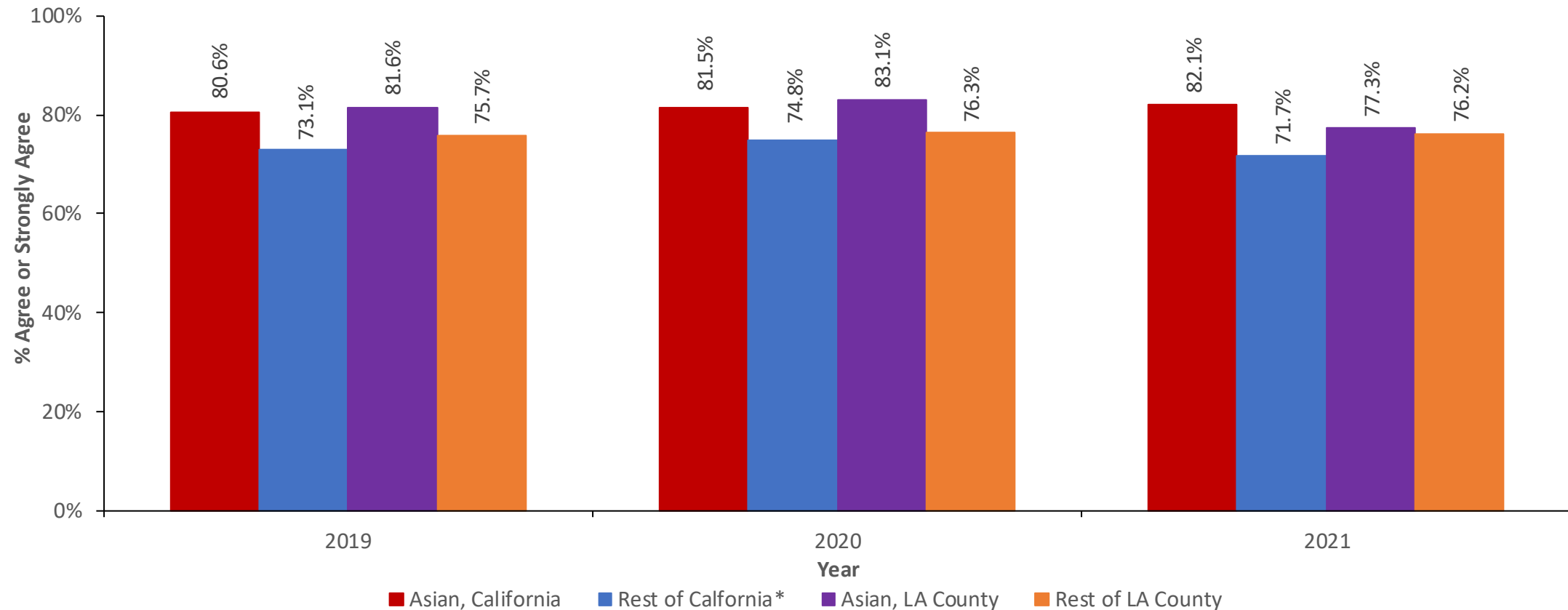
Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "I'd support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Regulation to Ban or Restrict Sale of Flavored Tobacco Products among Black non-Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "I'd support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

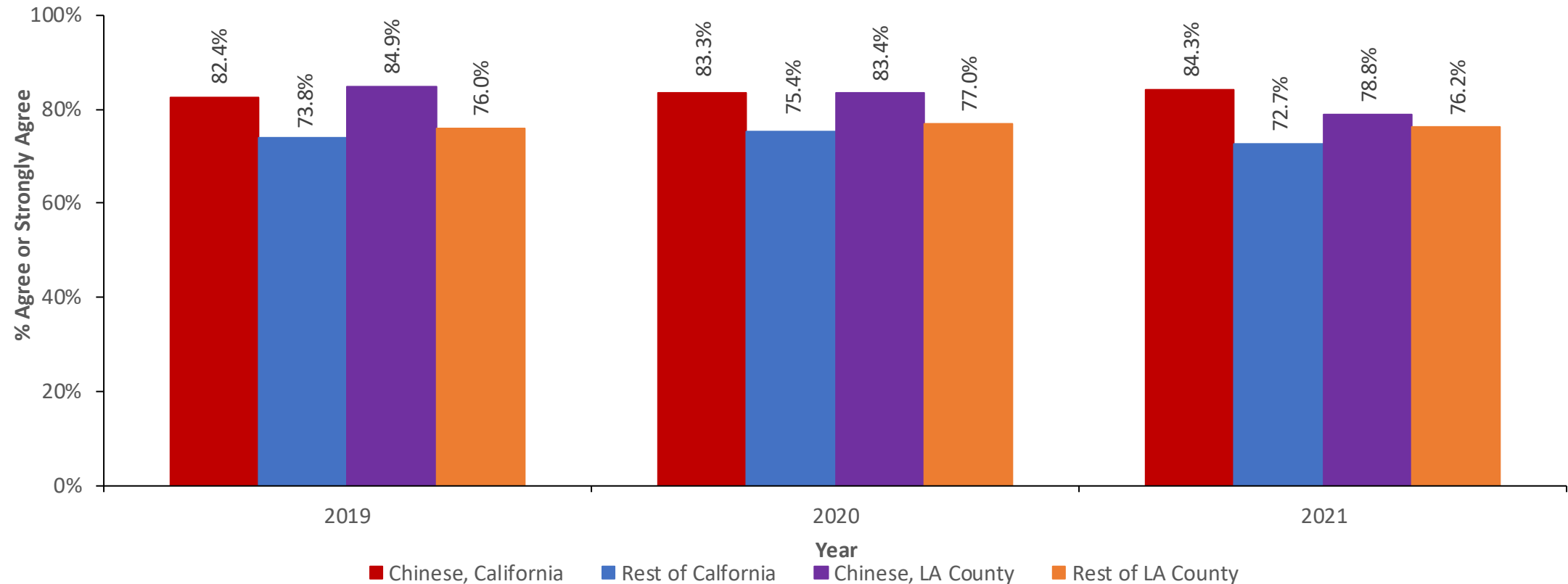
Support for Regulation to Ban or Restrict Sale of Flavored Tobacco Products among Asians by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "I'd support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products." Rest-of-California respondents include non-Los Angeles County residents.

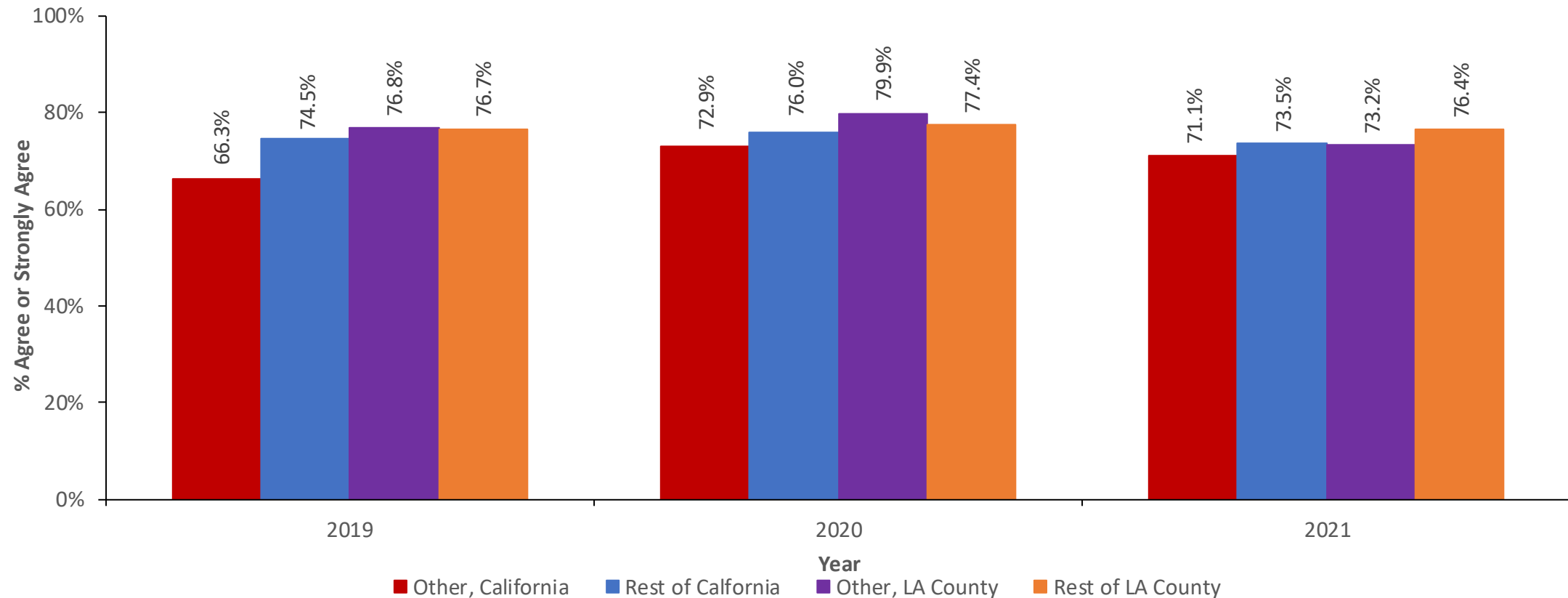
*p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Regulation to Ban or Restrict Sale of Flavored Tobacco Products among Chinese California Residents and Chinese Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "I'd support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products." Rest-of-California respondents include non-Los Angeles County residents. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Regulation to Ban or Restrict Sale of Flavored Tobacco Products among Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Multiracial (Other) California and Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021

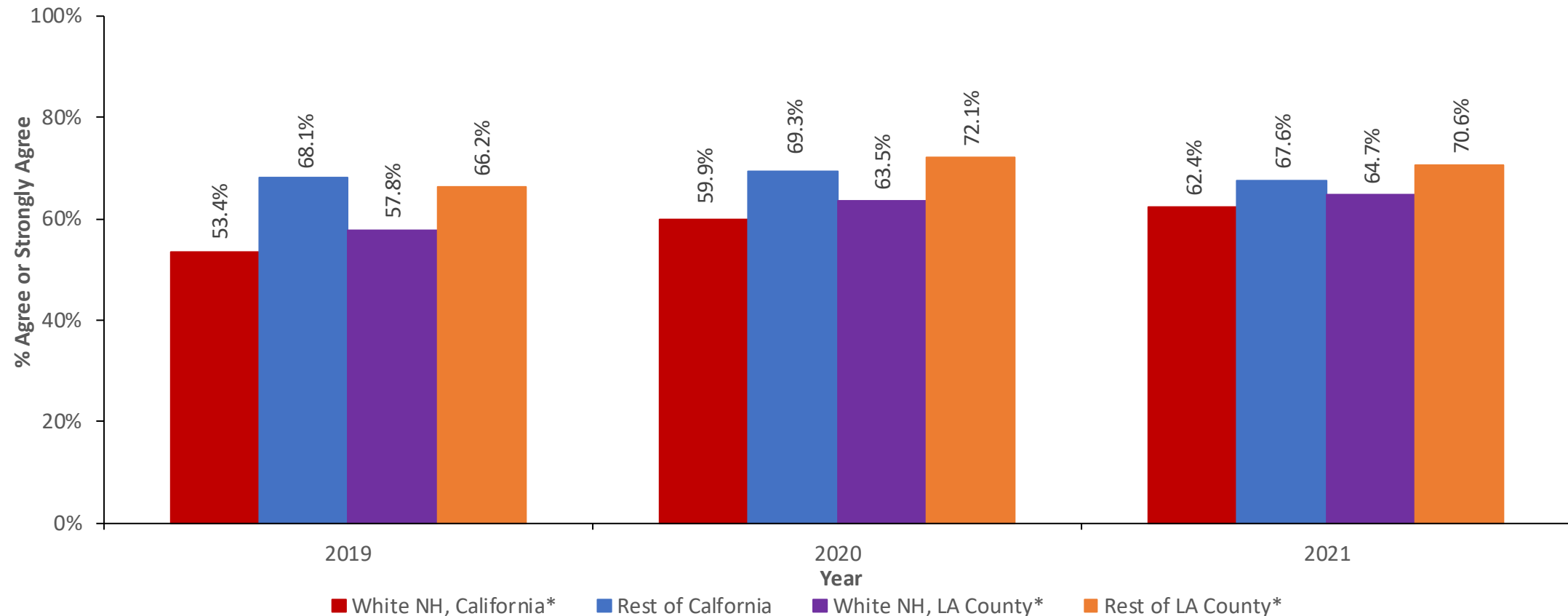


Notes. LA = Los Angeles. "Other" combines Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and multiracial (two or more races) respondents due small sample sizes. Percentage of respondents who agreed/strongly agreed with the following statement: "I'd support regulation to ban or restrict sale of flavored tobacco products, including e-cigarette and vape products." Rest-of-California respondents include non-Los Angeles County residents.

*p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

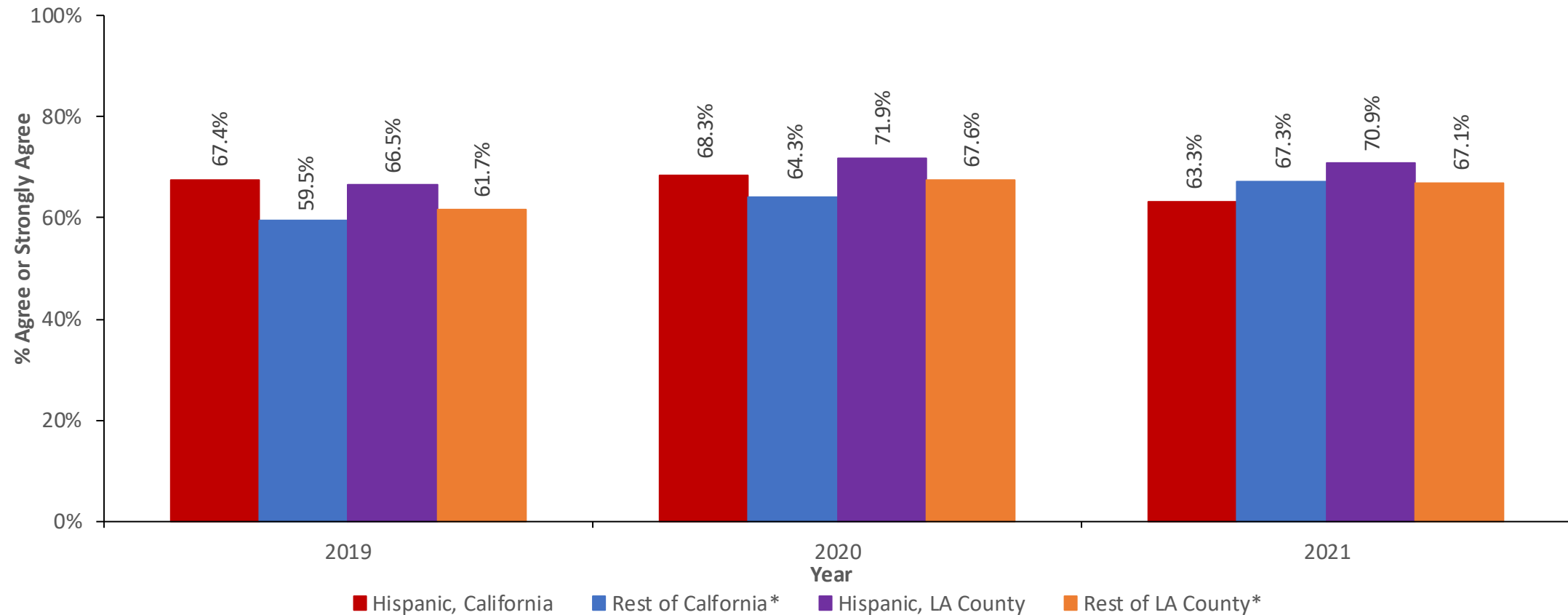
Percentage of respondents who
agreed/strongly agreed with the following
statement: “The sale of menthol cigarettes
should not be allowed.”

Support for Ending the Sale of Menthol Cigarettes among non-Hispanic Whites by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



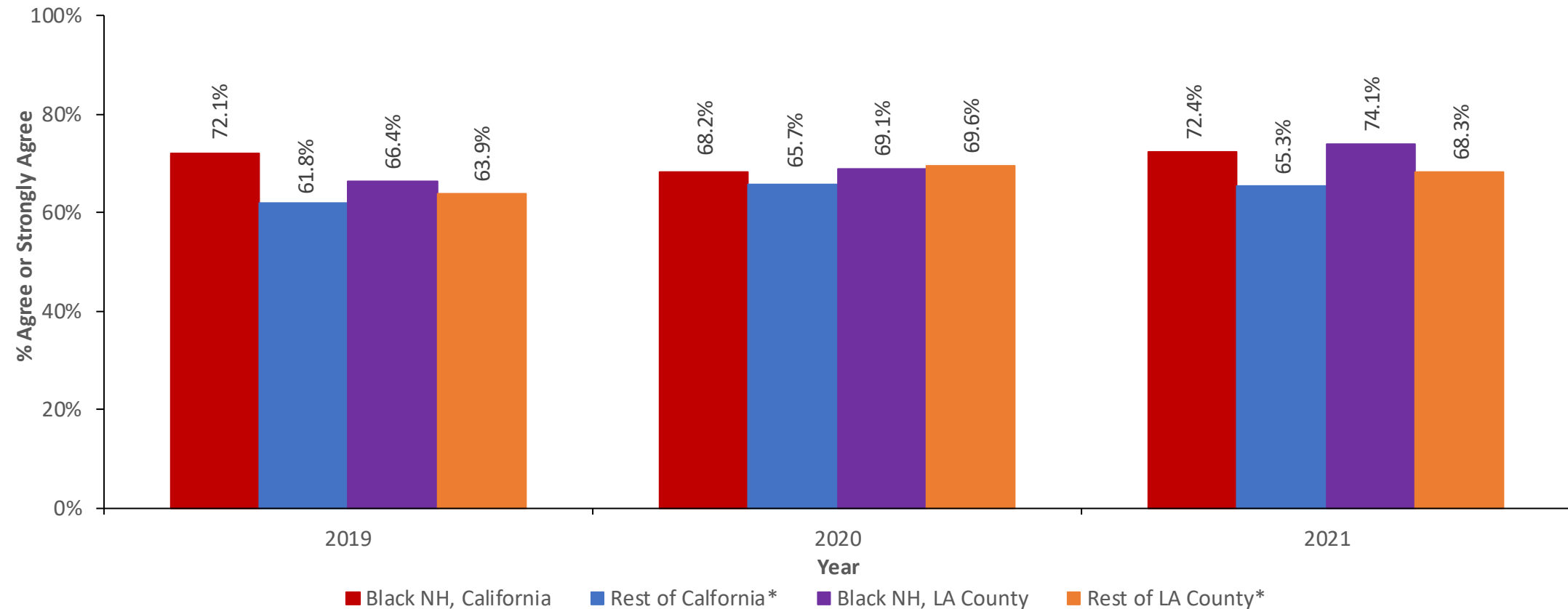
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of menthol cigarettes should not be allowed." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Ending the Sale of Menthol Cigarettes among Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



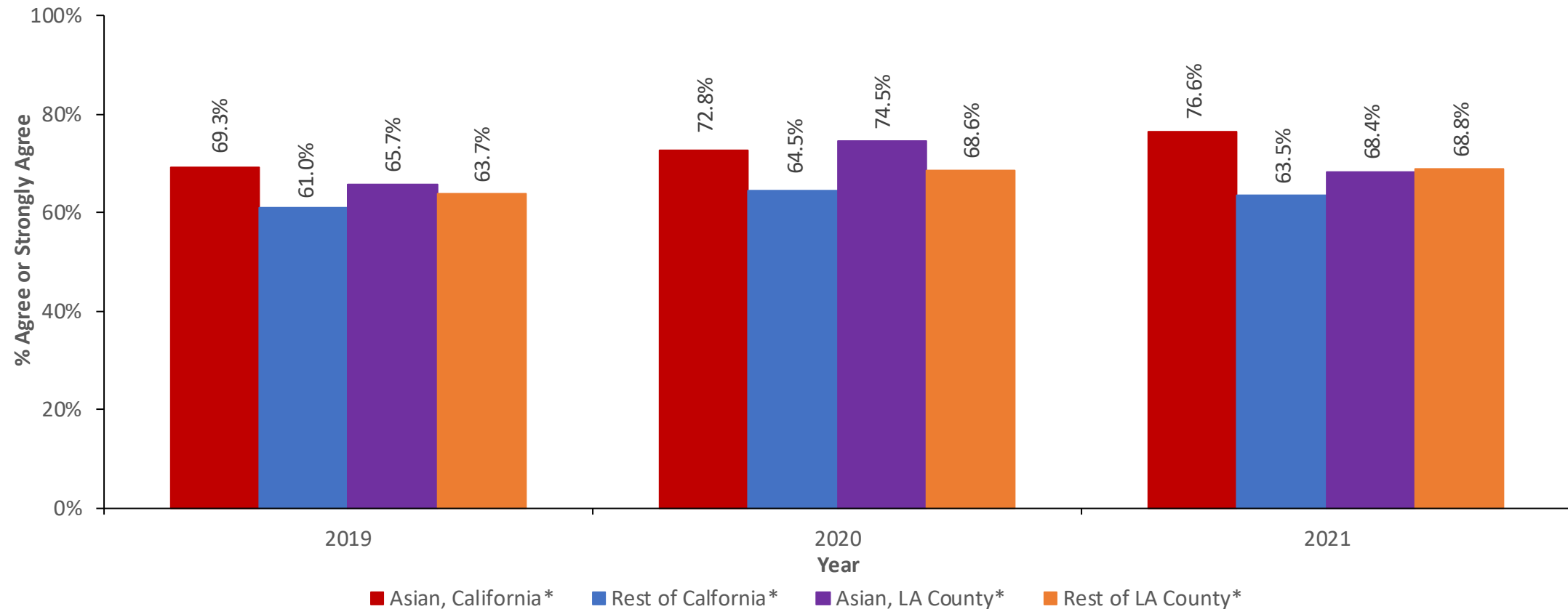
Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of menthol cigarettes should not be allowed." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Ending the Sale of Menthol Cigarettes among Black non-Hispanics by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



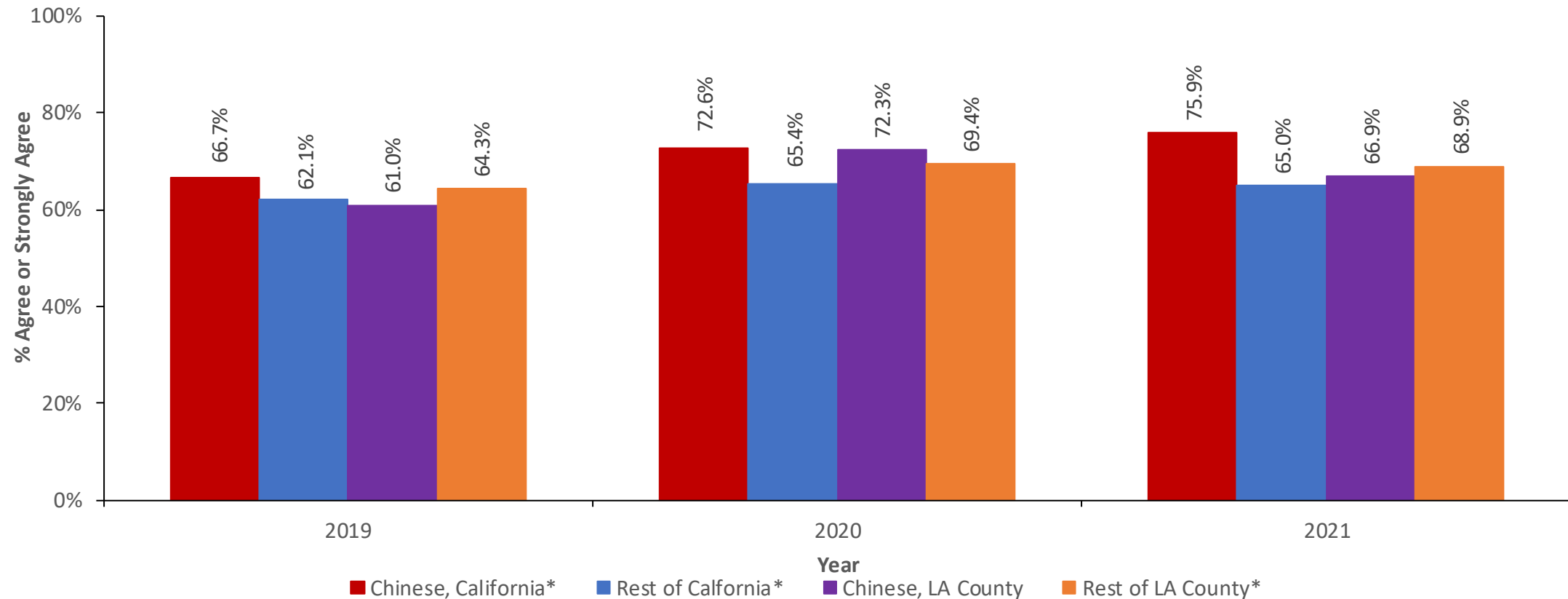
Notes. NH = Non-Hispanic. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of menthol cigarettes should not be allowed." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Ending the Sale of Menthol Cigarettes among Asians by California and Los Angeles County Residency vs. Remaining Racial/Ethnic Groups, 2019-2021



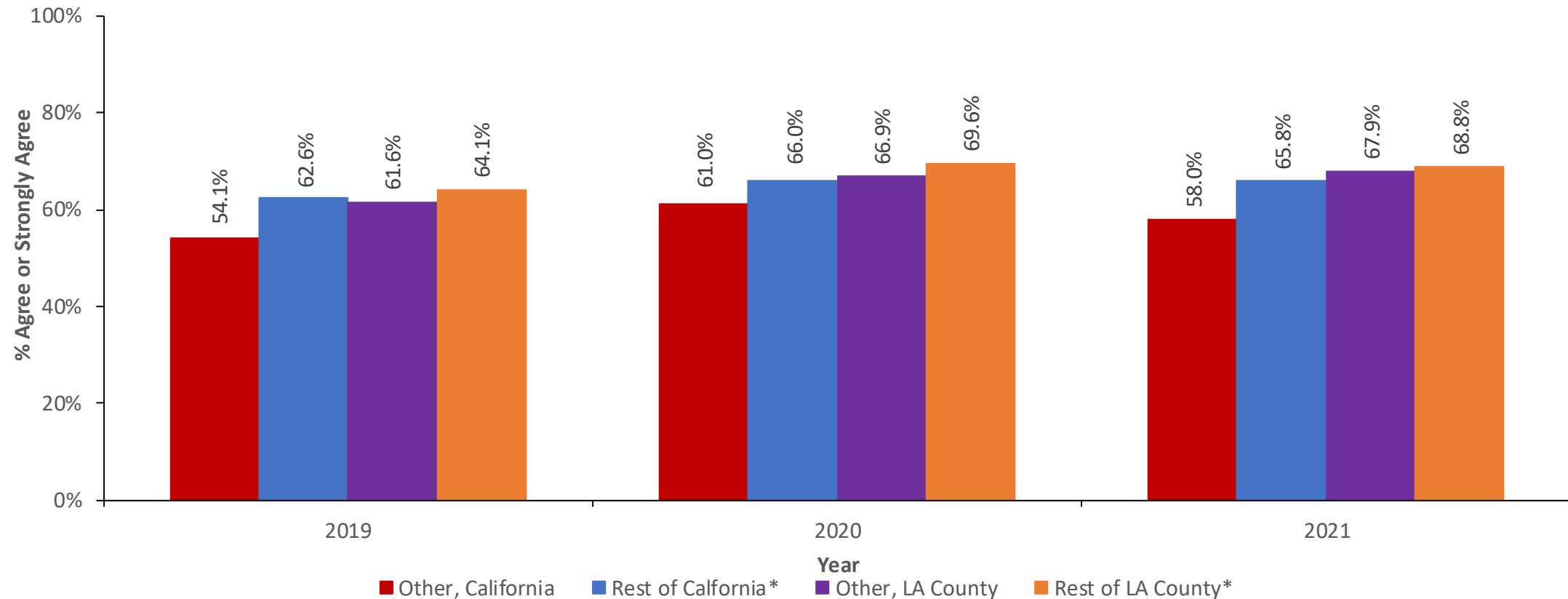
Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of menthol cigarettes should not be allowed." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Ending the Sale of Menthol Cigarettes among Chinese California Residents and Chinese Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of menthol cigarettes should not be allowed." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.

Support for Ending the Sale of Menthol Cigarettes among Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Multiracial (Other) California and Los Angeles County Residents vs. Remaining Racial/Ethnic Groups, 2019-2021



Notes. LA = Los Angeles. "Other" combines Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and multiracial (two or more races) respondents due small sample sizes. Percentage of respondents who agreed/strongly agreed with the following statement: "The sale of menthol cigarettes should not be allowed." Rest-of-California respondents include non-Los Angeles County residents. *p for trend < .05. **Source:** California Tobacco Control Program Media Evaluation Survey, conducted by Research Triangle Institute (RTI) International, Waves 1-23. Data collected from 8/14/2019-4/23/2021.