CITY OF LONG BEACH

MEGAN KERR D5 CITY COUNCIL

TUNUA Thrash-Ntuk
LONG BEACH 8TH DISTRICT CITY COUNCILWOMAN

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Date: April 7, 2026

To: Honorable Mayor and City Council

From: Councilwoman Megan Kerr, Fifth Council District
Councilwoman Tunua Thrash-Ntuk, Eighth Council District

Subject: **Recommendation to apply buffer zones to smoke shops, tobacco retailers, and smoking lounges in relation to youth-oriented and elder care sensitive use areas**

RECOMMENDATION

Recommendation to request the City Manager to work with relevant departments to begin the process in amending and updating the Long Beach Municipal Code, Chapter 5.81 "Tobacco Retail Permit" to include required distances, or "buffer zones," between smoke shops, tobacco retailers, and/or smoking lounges and youth-oriented areas (i.e. schools, daycare centers, playgrounds, libraries, parks, recreation facilities, youth programming events that occur at parks, etc.) and elder care facilities (nursing homes, convalescent homes, etc.), and report back to council within 120 days.

DISCUSSION

Long Beach Municipal Code Chapter 5.81[1] establishes the regulatory framework for tobacco retail permits within the City of Long Beach. The chapter requires tobacco retailers to obtain and maintain a valid Tobacco Retail Permit to sell tobacco products within the City and provides enforcement mechanisms intended to support compliance with state and local laws regulating tobacco sales. Under the current Municipal Code, a "tobacco retailer" includes any person or business that sells tobacco products, tobacco paraphernalia, or related items such as cigarette papers, hookahs, or smoking devices. Related definitions within the Municipal Code also address businesses such as hookah tobacco retailers and smoking lounges.

While Chapters 5.81 and 5.88 of the Municipal Code regulate the permitting of tobacco retailers, the current code does not establish location-based restrictions as to where tobacco retailers, smoke shops, or smoking lounges may operate within the City. Long Beach Municipal Code §5.81.020 primarily requires that tobacco retailing occur at a fixed location and prohibits mobile

[1] City of Long Beach Municipal Code Chapter 5.81, §5.81.005-5.81.110

tobacco retailing.[3] Similarly, §5.88.065 regulates smoking lounges and caps the total number of permits issued annually to eight; however, it does not provide broader land use or proximity restrictions comparable to those used for other regulated businesses.[4] A prime example of this disparity being the differences between the zoning regulations with cannabis businesses and tobacco-oriented businesses. The City's cannabis regulations, under Municipal Code 5.92.420, establish buffer zones between dispensaries and sensitive uses such as schools, daycare centers, parks, libraries, and other dispensaries. Adult-use cannabis dispensaries may not be located within 600 feet of schools, daycare centers, playgrounds, or libraries, and must maintain a minimum distance of 1,000 feet from other dispensaries.[5]

Public health data indicates that youth use of electronic smoking devices remains a concern not only for us in the City of Long Beach, but also throughout Los Angeles County. According to the Los Angeles County Department of Public Health, approximately one in ten high school students in the county currently use vaping devices, and nearly 30 percent of youth report having tried vaping at least once.[6] Research further indicates that nearly 50 percent of youth who use e-cigarettes and 37 percent of youth who use cigarettes state that it was easy to access them from a store, highlighting the role retail environments can play in youth access to nicotine products.[7]

Acknowledging this role environments play in youth access to nicotine products, many cities across California have adopted zoning or buffer requirements for smoke shops and tobacco retailers to address concerns regarding youth access and the concentration of tobacco retail outlets. For example, the City of Covina requires smoke shops to be located at least 300 feet from schools, childcare facilities, youth centers, parks, youth programming events that occur at parks, or similar youth-oriented places and at least 500 feet from another smoke shop, with a conditional use permit required for operation.[8] The City of El Cajon prohibits tobacco or smoke shops from locating within 1,000 feet of another such establishment and establishes buffer requirements from residentially zoned property and other sensitive uses.[9] The City of La Puente requires smoke shops to maintain an 800-foot distance from other smoke shops and certain youth-oriented facilities.[10] Furthermore, the City of Orange has both population caps and buffer zone regulations, with the number of tobacco retailer permits limited to one per 2,500 residents. In the city of Orange, there is also no permits in zones designated solely for residential use, and no permits issued or renewed for a location within 500 feet of another tobacco retailer or sensitive use areas (schools [public, private, preschool, K-12], libraries, parks, playgrounds, recreational facilities, healthcare facilities, elder care facilities, daycare centers, houses of worship, or other youth-oriented locations).[11] These policies that have been implemented in these municipalities without significant legal challenges to date.

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[3] City of Long Beach Municipal Code §5.81.020
[4] City of Long Beach Municipal Code §5.88.065
[5] City of Long Beach Municipal Code §5.92.420

[6] Vaping Facts. The Dangers of Vaping. Los Angeles County Department of Public Health, Tobacco Control and Prevention Program. http://www.publichealth.lacounty.gov/tob/vaping.htm.
[7] Clodfelter, Rachel et al. Results of the 2023 California Youth Tobacco Survey. ES.1.2 *Methods of Accessing Vapes and Cigarettes (Chapter 3)*. ES-3. March 2024.
[8] City of Covina Municipal Code §17.61.030
[9] City of El Cajon Municipal Code §17.240.070
[10] City of La Puente Municipal Code §10.50.170
[11] City of Orange Municipal Code §5.100.030 Sec. A – E.

In addition to protecting youth-oriented areas, buffer zone requirements should also extend to elder care facilities, including nursing homes and convalescent homes. Older adults residing in these settings frequently manage chronic respiratory conditions such as asthma and chronic obstructive pulmonary disease (COPD), making them particularly susceptible to the health effects of secondhand and environmental tobacco smoke exposure. Proximity to smoke shops, tobacco retailers, and smoking lounges can increase ambient smoke exposure in and around elder care environments and may also facilitate easier access to tobacco products among staff or visitors in ways that undermine smoke-free campus policies commonly maintained by such facilities. As noted above, the City of Orange already includes elder care facilities among the sensitive uses protected by its tobacco retailer buffer zone framework. Including elder care facilities alongside youth-oriented areas ensures that the City's approach to tobacco retail siting reflects a comprehensive public health standard that accounts for the community's most vulnerable populations at both ends of the age spectrum.

At the state level, there are currently no statewide location restrictions governing where tobacco retailers or smoke shops may operate. However, legislative proposals have begun to explore additional regulatory measures. Senate Bill 1314, introduced in February 2026 by Sen. Menjivar, proposes to prohibit smoke shops from operating within 600 feet of schools or daycare centers beginning in 2028 unless a local jurisdiction establishes a different distance requirement.[21] The bill would also prohibit smoke shops from engaging in retail tobacco sales between the hours of 10:00 p.m. and 6:00 a.m.[22] As of early March 2026, the legislation has been referred to the Senate Committees on Revenue and Taxation and Health.

Given the evolving regulatory landscape and the approaches adopted by other California jurisdictions, it is appropriate for the City to review Chapter 5.81 to determine whether amendments or updates could strengthen the City’s tobacco retail permitting framework. A review could include examining potential location-based standards, evaluating the concentration of tobacco retailers in proximity to sensitive uses such as schools or parks, and considering how other municipalities structure tobacco retailer, smoke shop, and smoking lounge regulations.

This recommendation requests that the City Manager work with relevant departments, including the City Attorney’s Office, Community Development, Health and Human Services Department, and Business Licensing, to evaluate the City’s existing tobacco retail permit regulations and explore potential amendments to Chapter 5.81 of the Long Beach Municipal Code to include required distances or ”buffer zones,” between smoke shops, tobacco retailers, and/or smoking lounges and youth-oriented areas (i.e. schools, daycare centers, playgrounds, libraries, parks, recreation facilities, youth programming events that occur at parks, etc.) and elder care facilities (nursing homes, convalescent homes, etc.). This review may include analyzing regulatory approaches adopted by other jurisdictions, assessing potential buffer or zoning standards, and identifying options to ensure effective permitting and enforcement mechanisms. The review may further include the development of a fine structure for violations of this new amendment and determine how to regulate existing smoke shops, tobacco retailers, and smoking lounges that are presently located near youth-oriented areas. Moreover, the review may include provisions to incorporate these amendments into the licensing renewal process of these said businesses. In

[21] California State Senate, Sen. Menjivar, S.B. 1314, §3. (b). (1)
[22] California State Senate, Sen. Menjivar, S.B. 1314, §3. (c)

addition to efforts provided above, refer SB 1314 to the intergovernmental affairs committee for further discussion and review. The City Manager will report back to the City Council with findings and potential policy options within 120 days.
This matter has been reviewed by Budget Manager Rebecca Bernstorff on March 27, 2026.

FISCAL IMPACT

This recommendation requests City Manager to work with relevant departments to begin the process of amending and updating Municipal Code Chapter 5.81 pertaining to tobacco retail permitting, to create buffer zones between smoke shops, tobacco retailers, and smoking lounges and youth-oriented areas such as schools, daycare centers, playgrounds, libraries, parks, recreation facilities, youth programming events, and elder care facilities (nursing homes, convalescent homes, etc.. This request requires a report back to City Council within 120 days and is anticipated to have a moderate impact on staffing. The recommendation is in alignment with existing City Council priorities; however, the teams that would be working on this report back from Planning, Business Licensing, and Environmental Health are also finalizing other high-priority items such as micro-enterprise home kitchen operations and mobile food facilities and are involved in coordinating the sidewalk vending program, among other Council priorities. There is currently no known job impact to this recommendation.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,



Megan Kerr, Councilwoman, Fifth District



Tunua Thrash-Ntuk, Councilwoman, Eighth District