



# CITY OF SAN MATEO

City Hall  
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[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

## Agenda Report

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Agenda Number: 17

Section Name: {{section.name}}

File ID: {{item.tracking\_number}}

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**TO:** City Council  
**FROM:** Drew Corbett, City Manager  
**PREPARED BY:** City Attorney Department  
**MEETING DATE:** September 08, 2020  
**SUBJECT:**  
E-Cigarette and Flavored Tobacco Regulations

### RECOMMENDATION:

Receive a report and public input and provide direction to staff on preparation of an ordinance to regulate E-cigarettes and flavored tobacco products.

### BACKGROUND:

In 2019, a group of San Mateo residents requested that the City Council consider the adoption of restrictions on the sale of flavored tobacco and electronic cigarettes (“e-cigarettes.”) The group included Dr. Bonnie Halpern-Felsher, a Stanford Pediatrics Professor and expert in the public health effects of children’s use of e-cigarettes, or vaping. The Council directed staff to research the issue and report back to the City Council on its authority to regulate this conduct and options for regulation.

In subsequent conversation with Dr. Halpern-Fisher the group identified the following priorities for the Council to consider:

- [1] prohibiting the sale of flavored tobacco products, including flavored e-cigarettes, and including mint and menthol flavors in the prohibition; and
- [2] prohibiting the sale of tobacco products (including e-cigarettes) in pharmacies.

Staff has researched these proposals and have determined that the City Council has the legal authority to enact them if it deems that such regulations are appropriate. Thus, this item has been scheduled to provide the opportunity to receive public input and to provide direction on what provisions, if any, to include in an ordinance to be presented for adoption.

The Council should be aware of recent legislation enacted by the Legislature and signed by Governor Newsom that relates to this subject. On August 28, the Legislature adopted and the governor signed SB 793. This bill prohibits the sale by any retail store of flavored tobacco and e-cigarettes. This prohibition includes menthol or mint flavors in the prohibition. This bill permits cities and counties to enact even more stringent regulations. The bill appears to address most of the goals identified by the group that raised this issue, except that it does not ban the sale of unflavored tobacco products by pharmacies.

### BUDGET IMPACT:

This item will have no impact on the City’s budget.

### ENVIRONMENTAL DETERMINATION:

This item is not a project subject to CEQA, because it can be seen with certainty that it will not cause a physical change in

the environment. (Public Resources Code Section 21065.)

**NOTICE PROVIDED**

All meeting noticing requirements were met.

**ATTACHMENTS**

None

**STAFF CONTACT**

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