



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 17

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Attorney Department
MEETING DATE: September 21, 2020

SUBJECT:

Regulations on the Sale of Electronic Cigarettes, Flavored Tobacco and the Sale of Tobacco Products in Pharmacies – Ordinance Introduction

RECOMMENDATION:

Introduce an Ordinance to prohibit the sale of e-cigarettes and flavored tobacco products, and to prohibit the sale of tobacco products in pharmacies.

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. On September 8, 2020, Dr. Halpern-Felsher and other interested persons informed the Council of the significant adverse health impacts of the use of these products by the community’s teens and young adults. The speakers requested that the City Council adopt regulations to prohibit the sale of e-cigarettes and flavored tobacco products. In response to this testimony, the City Council directed staff to prepare an ordinance to enact regulations that have been enacted by the County of San Mateo.

Submitted with this report is an ordinance that incorporates the substance of the County’s regulations within the existing municipal code provisions regulating the use of tobacco. The ordinance contains the following key provisions:

- [1] the ordinance prohibits the sale of *all* flavored tobacco products, including those are allowed to be sold by SB 793, which was recently passed by the California Legislature;
- [2] the ordinance prohibits the sale of e-cigarettes within the City; and
- [3] the ordinance prohibits the sale of all tobacco products in pharmacies.

Most ordinances enacted by the Council go into effect 30 days after they are adopted. This ordinance has been drafted to mirror the provisions of the county ordinances that banned flavored tobacco and e-cigarettes. Both of these ordinances delayed enforcement for 6 months after their enactment. The length of the delay in enforcement is a policy decision for the Council to consider. Staff would suggest that the Council consider some delay to enable time for staff to conduct outreach and education on the new requirements to tobacco product sellers and pharmacies.

BUDGET IMPACT:

This item will have no material 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

Att 1 – Proposed Ordinance

STAFF CONTACT

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