AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA REGULATING TOBACCO PRODUCT SALES, REQUIRING THE LICENSURE OF TOBACCO RETAILERS, AND AMENDING THE CITY OF SONORA MUNICIPAL CODE

The city council of the City of Sonora does ordain as follows:

8.50.000 – See Appendix A: Findings

8.50.010 – DEFINITIONS. The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties, neither of which is under any compulsion to participate in the transaction.
B. "Cannabis" has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.
C. "Cannabis Product" has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.
D. "Cannabis Retailer" means any retail establishment in which cannabis or cannabis products are sold or offered for sale to persons that do not hold a license to engage in commercial cannabis activity issued by the State of California in accordance with the Business and Professions Code Section 26000 et seq., as that section may be amended from time to time.
E. "Child-Resistant Packaging" means packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
F. "Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than 4.5 pounds per thousand.
G. "Cigarette" means:
    1. any roll of tobacco wrapped in paper or in any substance not containing tobacco; and
    2. any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described herein.
H. "Compliance checks" means systems the department uses to investigate and ensure that tobacco retailers are following and complying with the requirements of this chapter. Compliance checks may involve the use of persons between the ages of 18 and 20 who purchase or attempt to purchase tobacco products. Compliance checks may also be conducted by the department or other units of government for

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educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to tobacco products.

I. "Coupon" means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.

J. "Delivery sale" means the sale of any tobacco product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a tobacco retail establishment. Delivery sale includes the sale of any tobacco product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.

K. "Department" means the City of Sonora Police Department, the City of Sonora Code Enforcement, and any agency or person designated by the Department to enforce or administer the provisions of this chapter.

L. "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. 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.

M. "Flavored Tobacco Product" means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.

N. "Full Retail Price" means the price listed for a tobacco product on its packaging or on any related shelving, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

O. "Kratom product" means any or all parts of the plant Mitragyna speciosa that contains mitragynine or 7-hydroxymitragynine (also known as 7-OH or 7-Hydroxy), or any food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption that contains any part of the plant Mitragyna speciosa or any extract, synthetic alkaloid, or synthetically derived compound of such plant or its leaf including, but not limited to, any powder, capsule, pill, beverage, or other edible product intended for human consumption.

P. "Little Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than 4.5

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pounds per thousand. “Little Cigar” includes, but is not limited to, tobacco products known or labeled as small cigar, little cigar, or cigarillo.

Q. “Manufacturer” means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.

R. “Moveable place of business” means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

S. "Nitrous oxide" means a colorless, nonflammable gas (N:O) sometimes used in aerosols and sometimes used as an anesthetic, which, when inhaled, produces loss of sensibility to pain, often preceded by exhilaration and laughter and used often as an anesthetic in dentistry. Nitrous oxide is oftentimes called "laughing gas."

T. "Nitrous oxide device" means any cartridge, compressed gas cylinder, apparatus, container, or other device intended or designed to be used to contain or dispense or administer nitrous oxide.

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

V. “Pharmacy” means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

W. “Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a 10% or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person has or shares ultimate control over the day-to-day operations of a business.

X. “Recreation Facility” means an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes, and includes but is not limited to a gymnasium, playing court, playing field, and swimming pool.

Y. “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.

Z. “Self-Service Display” means the open display or storage of tobacco products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct face-to-face transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self- service display.

AA. "Smoke shop/significant tobacco retailer" means any person or business for which the principal or core business is selling tobacco products, tobacco accessories, or both, as evidenced by any of the following: twenty percent (20%) or more of floor or display area is devoted to tobacco products, tobacco accessories, or both; or sixty

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percent (60%) or more of gross sales receipts are derived from the sale or exchange of tobacco products, tobacco accessories, or both; or fifty (50%) percent or more of completed sales transactions include tobacco products or tobacco accessories.

BB. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. "Smoking" includes using an electronic smoking device.

CC. "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 and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; 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, mouthpieces, 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.

DD. "Tobacco retailer" means any person or business that sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco products or tobacco paraphernalia. This definition includes both tobacco retailers-general (EE below) and smoke shops/significant tobacco retailers (AA above)..

EE. "Tobacco retailer-general" means any person or business that sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco products or tobacco paraphernalia, but for which the sale of such products is not the primary or core business. To qualify as a tobacco retailer-general, the establishment must not meet any of the criteria listed in AA above, which define a smoke shop/significant tobacco retailer. Examples of tobacco retailer-general licensees may include, but are not limited to: convenience stores, supermarkets, grocery stores, gas stations, or mini-marts.

FF. "Tobacco Retailing" means engaging in the activities of a tobacco retailer.

GG. "Youth-Oriented Facility" means a parcel in the city that is occupied by:

1. a private or public kindergarten, elementary, middle, junior high, or high school;
2. a library open to the public;
3. a playground open to the public;
4. a youth center, defined as a facility where children, ages 6 to 17, inclusive, come together for programs and activities;

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5. a recreation facility open to the public, defined as an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes;
6. a park open to the public or to all the residents of a private community;
7. a licensed child-care facility or preschool [other than a small-family day care home or a large-family day care home [as defined in California Health & Safety Code § 1596.78]];

8.50.020 – GENERAL REQUIREMENTS AND PROHIBITIONS.

A. TOBACCO RETAILER'S LICENSE REQUIRED. It shall be unlawful for any person to engage in tobacco retailing in the city without first obtaining and maintaining a valid tobacco retailer's license for each location at which tobacco retailing is to occur. Tobacco retailing without a valid tobacco retailer's license is a nuisance as a matter of law.
B. LAWFUL BUSINESS OPERATION. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, state, or federal law applicable to the sale of tobacco products.
C. SMOKING PROHIBITED. Smoking, including smoking for the purpose of sampling any tobacco product, is prohibited within the indoor area of any retail establishment licensed under this chapter. Smoking also prohibited outdoors within 25 feet of any retail establishment licensed under this chapter.
D. MINIMUM LEGAL SALES AGE. No person engaged in tobacco retailing shall sell a tobacco product to a person under 21 years of age.
E. DISPLAY OF LICENSE. Each tobacco retailer license shall be prominently displayed in a publicly visible location at the licensed location.
F. POSITIVE IDENTIFICATION REQUIRED FOR SALE. No person engaged in tobacco retailing shall sell a tobacco product to another person without first verifying by means of government- issued photographic identification that the recipient is at least 21 years of age.
G. SELF-SERVICE DISPLAYS PROHIBITED. Tobacco retailing by means of a self-service display is prohibited.
H. ON-SITE SALES. All sales of tobacco products shall be conducted in-person in the licensed location. It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to engage in the delivery sale of tobacco products or to knowingly or recklessly sell or provide tobacco products to any person that intends to engage in the delivery sale of the tobacco product in the city.
I. POSITIVE IDENTIFICATION REQUIRED FOR ENTRY: SMOKE SHOPS/SIGNIFICANT TOBACCO RETAILERS. No smoke shop/significant tobacco retailer shall allow the following individuals to enter its premises: (1) any individual who is younger than the minimum age established by state law for the purchase or possession of tobacco products; (2) any individual who appears to be under the age of twenty-seven (27)

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years, unless an examination of the individual's identification confirms that the individual is at least the minimum age under state law to purchase and possess tobacco products.

J. SECURITY MEASURES REQUIRED: SMOKE SHOPS/SIGNIFICANT TOBACCO RETAILERS. All smoke shops/significant tobacco retailers shall follow required security measures as specified on the license application. These measures shall include, but may not be limited to:
    1. The facility shall be alarmed with a monitored burglar alarm. The monitoring center shall be UL-listed. In addition to motion sensors, alarm components shall include contact points on all interior and exterior doors, windows capable of opening, motion sensors in each room of the facility, and glass break sensors on any external windows. The facility alarm shall be equipped with non-emergency notification technology that provides immediate notification of facility management of any system failures (e.g., power outage, sensor malfunction). The burglary alarm shall cause the alarm company to immediately notify the Sonora Police Department Communications Center.
    2. Recorded closed-circuit color video (CCTV) cameras shall be installed and employed to monitor all aspects of the facility. All areas of the facility accessible to patrons shall be equipped with video monitors in a visible location where patrons can clearly see that their activities are being monitored.
    3. Any rear door used to admit employees or deliveries shall be equipped with a 180-degree viewing device.
    4. Height markers that display height measurements are required on the interior of the business, at a minimum, located at entrances and exits.
    5. The patron entrance shall be equipped with signage prohibiting hats and hoods that conceal patrons' facial features.

K. NITROUS OXIDE. It shall be unlawful for an establishment designated as a tobacco retailer-general to sell, offer, distribute, or otherwise provide to any person nitrous oxide or a nitrous oxide device. For tobacco retailer-general licensees only, this section shall not apply to:
    1. The administration of nitrous oxide by a medical or dental practitioner licensed by the state or at the direction or under the supervision of a practitioner licensed by the state for the purpose of providing medical or dental care;
    2. The sale or distribution of nitrous oxide as a propellant in food products such as whipped cream by commercial edible food generators, as defined in the City of Sonora Municipal Code Section 7.08.100;
    3. The sale or distribution of nitrous oxide by a wholesaler licensed by the Board of Pharmacy or manufacturer classified under Code Number 325120 or 424690 of the North American Industry Classification system (NAICS); or
    4. Any other sale or distribution under an express exemption pursuant to Penal Code sections 381b through 381e.

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It shall be unlawful for a an establishment designated as a smoke shop/significant tobacco retailer to sell, offer, distribute, or otherwise provide to any person nitrous oxide or a nitrous oxide device. No exceptions or conditions apply to smoke shop/significant tobacco retailer licensees.

L. KRATOM PRODUCTS. It shall be unlawful for a tobacco retailer to sell, offer, distribute, or otherwise provide to any person a kratom product, as defined in Section 8.50.010.

8.50.030 – SALE OF FLAVORED TOBACCO PRODUCTS PROHIBITED.

A. FLAVORED TOBACCO PRODUCT SALES PROHIBITED. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product.
B. PRESUMPTIVE FLAVORED TOBACCO PRODUCT. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has a taste or smell other than tobacco shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

8.50.040 – TOBACCO PRODUCT PRICING AND PACKAGING.

A. PACKAGING AND LABELING. No tobacco retailer shall sell any tobacco product to any consumer unless the tobacco product:
    1. is sold in the manufacturer's packaging intended for sale to consumers;
    2. conforms to all applicable federal labeling requirements; and
    3. conforms to all applicable child-resistant packaging requirements.
B. DISPLAY OF PRICE. The price of each tobacco product offered for sale shall be clearly and conspicuously displayed on the tobacco product or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale.
C. DISTRIBUTION OF TOBACCO SAMPLES OR PROMOTIONAL ITEMS. It is unlawful for any person to distribute free or nominally priced tobacco products.
D. PROHIBITION OF TOBACCO COUPONS AND DISCOUNTS. No tobacco retailer shall:
    1. honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price;
    2. sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or any other item; or
    3. provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.
E. MINIMUM PACKAGE SIZE FOR LITTLE CIGARS. No tobacco retailer shall sell any little cigar unless it is sold in a package of at least 5 little cigars.

8.50.050 – LIMITS ON ELIGIBILITY FOR A TOBACCO RETAILER LICENSE.

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A. MOBILE VENDING. No license may issue to authorize tobacco retailing at other than a fixed location. No tobacco retail license will be issued to a moveable place of business.
B. LICENSED CANNABIS BUSINESSES. No license may issue, and no existing license may be renewed, to authorize tobacco retailing at a location licensed for commercial cannabis activity by the State of California under Business and Professions Code Division 10.
C. PHARMACIES. No license may issue, and no existing license may be renewed, to authorize tobacco retailing in a pharmacy.
D. PROXIMITY TO YOUTH-ORIENTED FACILITIES. No new license may issue to authorize tobacco retailing within 1000 feet of a youth- oriented facility as measured by a straight line from the nearest point of the property line of the parcel on which the youth-oriented facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.
    1. Additionally, no new license may issue to authorize operation of a smoke shop/significant tobacco retailer within 600 feet of a youth- oriented facility as measured by a straight line from the nearest point of the property line of the parcel on which the youth-oriented facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.
E. PROXIMITY TO OTHER TOBACCO RETAILERS. No new license may issue to authorize a smoke shop/significant tobacco retailer within 1000 feet of a tobacco retailer location already licensed pursuant to this chapter as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing licensee's business is located.
F. PROXIMITY TO CANNABIS RETAILERS. No new license may issue to authorize tobacco retailing within 1000 feet of an existing cannabis retailer as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing cannabis retailer is located.
G. POPULATION AND DENSITY. The issuing of tobacco retailer licenses is limited as follows:
    1. The total number of tobacco retailer licenses issued to significant tobacco retailers within the city shall be limited to one for each 1,650 inhabitants of the city.
    2. For the purposes of this subsection, the total population of the city/county shall be determined by the most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the license application is filed. For purposes of calculating the limit established by this subsection, a fraction of .5 or more shall be rounded up to the next whole number. A fractional amount of less than .5 shall be rounded down to the next whole number.

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3. No new license may issue to authorize tobacco retailing if the number of tobacco retailer licenses already issued to smoke shops/significant tobacco retailers equals or exceeds the total number authorized pursuant to subsection (1).

8.50.060 – APPLICATION PROCEDURE.

A. An application for a tobacco retailer's license 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. All applications shall be submitted on a form supplied by the Department.
B. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information shall be revoked pursuant to Sec. 8.50.130(C) of this chapter. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco retailer's license any status or right to act as a tobacco retailer in contravention of any provision of law.
C. Applicant submissions shall contain the following information:
    1. The name, address, and telephone number of each proprietor of the business seeking a license.
    2. The business name, address, and telephone number of the location for which a license is sought.
    3. The name and mailing address authorized by each proprietor to receive all communications and notices required by, authorized by, or convenient to the enforcement of this chapter.
    4. Proof that the location for which a tobacco retailer's license is sought has been issued all necessary state licenses for the sale of tobacco products.
    5. Whether or not any proprietor or any agent of the proprietor has admitted violating, or has been found to have violated, this chapter or any other local, state, or federal law governing the sale of tobacco products and, if so, the dates and locations of all such violations within the previous five years.
    6. A signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product without a license required by this chapter.
    7. Such other information as the Department deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.
D. A licensed tobacco retailer shall inform the Department in writing of any change in the information submitted on an application for a tobacco retailer's license within 10 business days of a change.

8.50.070 – LICENSE ISSUANCE OR DENIAL.

A. ISSUANCE OF LICENSE. Upon the receipt of a complete and adequate application for a tobacco retailer's license and the license fee required by this chapter, the Department may approve or deny the application for a license within six working days, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary.

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B. DENIAL OF APPLICATION. The department may deny an application for a tobacco retailer's license based on any of the following:
    1. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter;
    2. The application seeks authorization for tobacco retailing at a location for which this chapter prohibits a licensed to be issued;
    3. The application seeks authorization for tobacco retailing for a proprietor to whom this chapter prohibits a license to be issued; or
    4. The application seeks authorization for tobacco retailing in a manner that is prohibited pursuant to this chapter, that is unlawful pursuant to any other chapter of this Code, or that is unlawful pursuant to any other law.
    5. The application seeks authorization for tobacco retailing at a business location for which the business is lacking a current Business License pursuant to the City of Sonora Municipal Code Section 5.10.
    6. Any other any other suitable reason the granting of a license to the applicant is not consistent with the public health and welfare, including the applicant's history of noncompliance with this chapter and other laws relating to the sale of tobacco products.
C. APPEAL OF ISSUANCE OR DENIAL. Any person aggrieved by any decision of the department with respect to the issuance or refusal to issue a tobacco retailer's license may appeal to the council by filing a notice of appeal with the city administrator. The council shall thereupon fix a time and place for hearing such appeal. The city administrator or designee shall give notice to such person of the time and place of hearing by sending notice by certified mail. The council shall have the authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this text. The council shall make findings, thereon, which shall be final.
D. Proration of fees for a tobacco retail license will be as follows: If a retailer applies for a tobacco retail license during the first half of the calendar year (January 1 through June 30), said retailer will be charged for a full calendar year. If the retailer applies for a tobacco retail license during the second half of the calendar year (July 1 through December 31), said business will be charged for half a calendar year.
E. The only exception to paragraph D shall be those retailers which apply for a tobacco retail license during the month of December. A retailer will not be required to obtain a current calendar year's tobacco retail license, if, they pay for the following year's license during December of the current year. If said retailer does not elect to pay for the following year, said retailer will pay for half a calendar year, covering the tobacco retail license for the current year.

8.50.080 – LICENSE RENEWAL AND EXPIRATION.

A. RENEWAL OF LICENSE. A tobacco retailer's license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. The term of a tobacco retailer license is 1 year. Each tobacco retailer shall apply for the renewal of

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their tobacco retailer's license by December 1 of each year, on a form supplied by the department. The completed form and payment shall be due to the City by the following January 1, with said payment being delinquent if not received by January 31 of said year. A retailer that fails to timely submit a renewal application and fee is ineligible for license renewal and must submit a new application pursuant to Section 8.50.060.

8.50.090 – LICENSES NOT TRANSFERABLE, PAST VIOLATIONS AT RETAIL LOCATION.

A. LICENSES NOT TRANSFERRABLE. A tobacco retailer's license may not be transferred from one person to another or from one location to another. A new tobacco retailer's license is required whenever a tobacco retailing location has a change in proprietors.
B. PAST VIOLATIONS. Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:
    1. the location has been transferred to new proprietor(s) in an arm's length transaction; and
    2. the new proprietor(s) provide the city with clear and convincing evidence that the new proprietor(s) have acquired the location in an arm's length transaction.

8.50.100 –LICENSE CONVEYS A LIMITED, CONDITIONAL PRIVILEGE.

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the City identified on the face of the permit. Nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law.

8.50.110 – FEE FOR LICENSE AND INCREASE IN FEES.

A. FEE FOR LICENSE. The fee to issue or to renew a tobacco retailer's license shall be calculated so as to recover the total cost of administration and enforcement of this chapter, including, but not limited to, issuing a license, administering the license 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 chapter. 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.

B. INCREASE IN FEES. The fee to issue or to renew a tobacco retailer's license shall be established or amended by resolution of the city council.

8.50.120 – COMPLIANCE MONITORING.

A. Compliance with this chapter shall be monitored by the Department. In addition, the City may designate additional persons to monitor compliance with this chapter.

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All licensed premises must be open to inspection by city staff or designated persons during regular business hours.

B. The Department shall inspect each tobacco retailer at least 1 time per 12-month period to ensure compliance with this chapter.
C. The city will conduct at least 1 compliance check per 24-month period that involves the participation of persons between the ages of 18 and 20 to enter licensed premises to attempt to purchase tobacco products.
D. Nothing in this section shall create a right of action in any licensee or other person against the city or its agents.

8.50.130 – SUSPENSION OR REVOCATION OF LICENSE.

A. SUSPENSION OR REVOCATION OF LICENSE FOR VIOLATION. In addition to any other penalty authorized by law, a tobacco retailer's license shall be suspended or revoked if the Department finds, based on a preponderance of the evidence, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, have violated any of the requirements, conditions, or prohibitions of this chapter; such violation is determined by any court of competent jurisdiction; or the licensee has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 8.50.020 above.
    1. Upon a finding by the Department of a first violation of this chapter at a location, the license shall be suspended for 30 days.
    2. Upon a finding by the Department of a second violation of this chapter at a location within any 5-year period, the license shall be suspended for 90 days.
    3. Upon a finding by the Department of a third violation of this chapter at a location within any 5-year period, the license shall be suspended for 1 year.
    4. Upon a finding by the Department of four or more violations of this chapter at a location within any 5-year period, the license shall be revoked.
B. APPEAL OF SUSPENSION OR REVOCATION. Any person aggrieved by any decision of the department with respect to the suspension or revocation of a tobacco retailer's license may appeal to the council by filing a notice of appeal with the city administrator. The council shall thereupon fix a time and place for hearing such appeal. The city administrator or designee shall give notice to such person of the time and place of hearing by sending notice by certified mail. The council shall have the authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this text. The council shall make findings, thereon, which shall be final. An appeal is not available for a revocation made pursuant to subsection (c) below.
C. REVOCATION OF LICENSE WRONGLY ISSUED. A tobacco retailer's license shall be revoked if the Department finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 8.50.070 existed at the time application was made or at any time before the license issued. The decision by the Department shall be the final decision of the city.

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8.50.140 – TOBACCO RETAILING WITHOUT A VALID LICENSE.

A. INELIGIBLE FOR LICENSE. In addition to any other penalty authorized by law, if the Department finds, or if a court of competent jurisdiction determines, based on a preponderance of evidence after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at a location without a valid tobacco retailer's license, either directly or through the person's agents or employees, the person shall be ineligible to apply for, or to be issued, a tobacco retailer's license as follows:
    1. After a first violation of this section at a location, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 30 days have passed from the date of the violation.
    2. After a second violation of this section at a location within any 5-year period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 90 days have passed from the date of the violation.
    3. After of a third or subsequent violation of this section at a location within any 5 year period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 5 years have passed from the date of the violation.
B. ADMINISTRATIVE FINE FOR UNLICENSED TOBACCO RETAILER. In addition to any other penalty authorized by law, a Licensee shall pay a fine if the Licensee or Licensee's agents or employees violate any of the requirements, conditions, or prohibitions of this Chapter. The amount of the administrative fine for each violation of this Chapter shall be as follows:
    1. A fine not to exceed two thousand five hundred dollars ($2,500.00) for each violation identified during the first instance in which the tobacco retailer has committed a violation or violations.
    2. A fine not to exceed five thousand dollars ($5,000.00) for each violation identified during a subsequent instance if the tobacco retailer has committed a previous violation or violations within a 60-month period.
    3. A fine not to exceed ten thousand dollars ($10,000.00) for each violation identified during a subsequent instance if the tobacco retailer has twice committed a previous violation or violations within a sixty-month period.

8.50.150 – ADDITIONAL REMEDIES.

A. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
B. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of 18 years, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

DRAFT

C. Violations of this chapter shall be subject to an administrative penalty. The amount of the administrative penalty shall be fifty dollars ($50.00) for the first offense, one hundred dollars ($100.00) for the second offense, and two hundred fifty dollars (250.00) for any subsequent offense.
D. Any person who or which violates any of the provisions of this chapter is guilty of a misdemeanor, under Section 594 of the California Penal Code and shall, upon conviction thereof, be punished by a fine of not to exceed one thousand dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.
E. Violations of this chapter are hereby declared to be public nuisances.
F. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney, including administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief.
G. Upon inspection and determination by the Department that a product offered for sale is in violation of this chapter, the tobacco retailer shall immediately remove all such prohibited products from the retail premises. Removal requires that the violating products be taken off store shelves, out of any area accessible to the public, and removed from the retailer's inventory to an off-site location or destroyed by the retailer. Failure to comply with an immediate removal request constitutes a separate and distinct violation for each 24-hour period of non-compliance. The decision by the Department may be appealed pursuant to the procedures set forth in Section 8.50.130(b). Prohibited products shall be destroyed and properly disposed of at the cost of the seller after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after judgment in that suit becomes final.
H. For the purposes of the civil remedies provided in this chapter:
    1. Each day on which a tobacco product is distributed, sold, or offered for sale in violation of this chapter shall constitute a separate violation of this chapter; and
    2. Each individual tobacco product that is distributed, sold, or offered for sale in violation of this chapter shall constitute a separate violation of this chapter.
I. All tobacco retailers are responsible for the actions of their employees relating to the sale, offer to sell, and furnishing of tobacco products at the retail location. The sale of any tobacco product by an employee shall be considered an act of the tobacco retailer.

8.50.160 – EXCEPTIONS.

A. Nothing in this chapter shall be construed to penalize the purchase, use, or possession of a tobacco product by any person not engaged in tobacco retailing.

8.50.170 – CONSTRUCTION & SEVERABILITY.

DRAFT

It is the intent of the city council of the City of Sonora to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this chapter, or its application to any other person or circumstance. The city council of the City of Sonora hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Sec. 8.50.180 – PUBLIC RECORDS.
All information provided to the Department by a licensee or license applicant pursuant to this chapter shall be subject to disclosure under the California Public Records Act (California Government Code section 6250 et seq.) or any other applicable law.

SECTION III. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after 30 days after date of enactment; provided, however, that Section [(*3)] shall not take effect until 6 months after date of enactment.

DRAFT

Appendix A: Findings.

The city council of the city of Sonora hereby finds and declares as follows:

WHEREAS, the city council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the city council, to protect the health, safety, and welfare of our residents;

WHEREAS, approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;[2]

WHEREAS, the World Health Organization (WHO) estimates that tobacco kills 8 million people and causes over 1.4 trillion dollars in economic damage each year;[136]

WHEREAS, 5.6 million of today's Americans who are younger than 18 years of age are projected to die prematurely from a smoking-related illness;[2]

WHEREAS, tobacco use is the number one cause of preventable death in California137 and continues to be an urgent public health issue, as evidenced by the following:

- 40,000 California adults die from their own smoking annually;[1]
- More than 25% of all adult cancer deaths in California are attributable to smoking;[138]
- 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;[139]
- Tobacco use can cause disease in nearly all of the organs of the body and is responsible for 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all cases of chronic obstructive pulmonary disease in the United States;[2]

WHEREAS, tobacco use among priority populations in California contributes to health disparities and creates significant barriers to health equity, as evidenced by the following:

- African American (20.4%), Asian or Pacific Islander (11.4%), and Hispanic (15.2%) males all report a higher smoking prevalence than the statewide average among all adults (11.0%);[9]
- American Indian/Alaska Native Californians have the highest smoking prevalence (19.1%) among all reported adult demographic populations;[9]
- Smoking is more prevalent among rural (14.9%) compared to urban (10.6%) Californians;[9]
- Californians with the highest levels of educational attainment and annual household income have the lowest smoking prevalence;[9]
- Adults who identify as lesbian, gay, bisexual, or transgender report smoking at a higher rate (17.4%) than the statewide average (11.0%);[9]
- Those who reported experiencing psychological distress in the past month smoke at rates (26.7%) higher than the statewide average (11.0%);[9]

WHEREAS, despite the state's efforts to limit youth access to tobacco, youth are still able to access tobacco products, as evidenced by the following:

- In California, research indicates over 67% of current and former adult smokers started by the age of 18 and almost 100% start by age 26;[140]

DRAFT

- In California, from 2017 to 2018, approximately 13% of high school students reported using tobacco;[9]
- Disparities in tobacco use exist among California high school students, with higher rates found among LGBTQ, American Indian, and Pacific Islander youth;[9]
- Unless smoking rates decline, an estimated 441,000 of all California youth who are alive today will die prematurely from smoking-related diseases;[2]
- In 2017, 22.8% of high school students in California had tried cigarette smoking;[141]
- Between 2014 and 2018, electronic smoking device use among California youth increased from 14.1% to 46.2%;[8]

WHEREAS, the tobacco industry encourages youth and young adult tobacco initiation through predatory targeting,11 as evidenced by the following:

- Tobacco companies target young adults ages 18 to 24 to increase their frequency of tobacco use and encourage their transition to habitual users;[66]
- Tobacco industry documents state that if "a man has never smoked by the age of 18, the odds are three-to-one he never will. By age 24, the odds are twenty-to-one";[142]
- The tobacco industry spends an estimated $496 million annually to market tobacco products to California residents;[139]

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 9.3% of high school students in California reported buying their own electronic cigarette from a store;[141]
- 19.1% of California tobacco retailers unlawfully sold tobacco products to underage persons in 2018;[9]

WHEREAS, requiring tobacco retailers to obtain a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell tobacco products to adults but will, however, allow the city council to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco control and youth tobacco access laws, as evidenced by the following:

- Tobacco products are the number one seller in U.S. convenience stores, and in 2018, they generated an average of $523,084 in sales per store;[143]
- Systematic scientific reviews indicate that merchant compliance with youth tobacco sales laws reduces the rate of tobacco use among adolescents;[26,27]
- Studies found increased retailer compliance and reduced tobacco sales to youth following implementation and active enforcement of youth tobacco sales laws paired with penalties for violations;[144,145]
- A review of 41 California communities with strong tobacco retailer licensing ordinances found that youth sales rates declined in 40 of these communities after the ordinances were enacted, with an average 69% decrease in the youth sales rate;[25]

DRAFT

WHEREAS, the federal Family Smoking Prevention and Tobacco Control Act ("Tobacco Control Act"), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,[28] largely because these flavored products are marketed to youth and young adults,[26,35,145] and younger smokers were more likely than older smokers to have tried these products;[26]

WHEREAS, neither federal nor California state laws restrict the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, electronic smoking devices, and the solutions used in these devices;

WHEREAS, in 2018, more than 86% of tobacco retailers in California sold flavored non-cigarette tobacco products, over 91% of tobacco retailers sold menthol cigarettes,[80] and, as of 2016, 8 out of 10 tobacco retailers near schools sold flavored non-cigarette tobacco products;[147]

WHEREAS, flavored tobacco products are used by the majority of youth and young adult tobacco users (86.4% and 57.7%, respectively) in California;[9]

WHEREAS, mentholated and flavored products have been shown to be "starter" products for youth who begin using tobacco[26,148,149] and that these products help establish tobacco habits that can lead to long-term addiction;[26,150,151]

WHEREAS, between 2004 and 2014, use of non-menthol cigarettes decreased among all populations, but overall use of menthol cigarettes increased among young adults (ages 18 to 25) and adults (ages 26+);[30]

WHEREAS, flavored tobacco has significant public health implications for youth and people of color as a result of targeted industry marketing strategies and product manipulation;[11,26,152,153]

WHEREAS, a review of advertising, promotions, and pack prices near California high schools found that "for each 10 percentage point increase in the proportion of Black students, the proportion of menthol advertising increased by 5.9% … the odds of a Newport [a leading brand of mentholated cigarettes] promotion were 50% higher … and the cost of Newport was 12 cents lower." There was no such association found for non-mentholated cigarettes;[154]

WHEREAS, scientific reviews by the FDA and the Tobacco Products Scientific Advisory Committee ("TPSAC") found marketing of menthol cigarettes likely increases the prevalence of smoking among the entire population, but especially among youth, African Americans,[33] and possibly Hispanic and Latino individuals;[34] and that menthol cigarettes are associated with increased initiation and progression to regular cigarette smoking, increased dependence on cigarettes, and reduced success in smoking cessation, especially among African American menthol smokers;[33]

DRAFT

WHEREAS, research indicates that the FDA ban in 2009 on all flavored cigarette products (except menthol) led to a 6% decrease in youth tobacco use and a 17% decrease in the likelihood of a youth becoming a cigarette smoker;[155]

WHEREAS, studies indicate that laws prohibiting the sale of flavored tobacco products lead to decreases in youth tobacco use, as evidenced by the following:

- An evaluation of New York City's law, which prohibits the sale of all flavored tobacco, excluding menthol, indicated that as a result of the law, youth had 37% lower odds of ever trying flavored tobacco products and 28% lower odds of ever using any type of tobacco;[156]
- An evaluation of a law in Providence, Rhode Island, which prohibits the sale of all flavored tobacco, excluding menthol, indicated that as a result of the law, current use of any tobacco product among high school youth declined from 22% to 12% and e-cigarette use declined from 13.3% to 6.6%, even as statewide e-cigarette use among high school increased to more than 20%;[157]

WHEREAS, the health effects of non-cigarette tobacco products such as cigars, cigarillos, smokeless tobacco, and shisha are substantial as demonstrated by research that shows that non-cigarette tobacco products have addictive levels of nicotine, harmful toxins, and dangerous carcinogens;[158-164]

WHEREAS, unlike cigarette use that has steadily declined among youth, the prevalence of the use of non-cigarette tobacco products has increased among California youth;[9]

WHEREAS, the availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use;[2,48-51,53-58]

WHEREAS, research has also consistently shown that increases in cigarettes prices will result in less smoking across various sociodemographic populations;[165]

WHEREAS, a systematic review by the U.S. Community Preventive Services Task Force found that a 20% price increase would reduce demand for cigarettes by approximately 10.4%, the prevalence of adult tobacco use by 3.6%, and initiation of tobacco use by young people by 8.6%;[49]
WHEREAS, unequal price increases across different types of tobacco products lead to substitution from one product to another;[56,58]

WHEREAS, youth are particularly responsive to changes in tobacco prices,[26,52,54,166] and evidence suggests that tobacco companies deliberately target youth with price reductions;[26,51,64-66,167]

DRAFT

WHEREAS, evidence also suggests that cigarettes are cheaper in neighborhoods with lower household incomes,[118,168] Newport menthol cigarettes cost less in areas with higher proportions of African Americans,[118] and underserved communities are targeted with price discounts and coupons;[169-171]

WHEREAS, tobacco companies spend considerably to decrease the price of their products in order to counter state and local tobacco control efforts, appeal to price-sensitive consumers, and increase demand for tobacco products. For example, tobacco companies spent the majority of their cigarette marketing budgets on price discounts, accounting for nearly $6.2 billion of $8.6 billion advertising and promotional expenditures in 2018; [50,51,62]

WHEREAS, the tobacco industry's price discounting strategies, such as coupons and multiple- package discounts, are popular among consumers, with more than half of adults using some price minimization strategy.[70] Coupon receipt and redemption appears more prevalent among white, younger, female, sexual minority, and more nicotine dependent smokers.[172] In California, individuals who used price minimization strategies saved an average $1.04 per pack (or 18.6% off the total) in 2010;[70]

WHEREAS, price-discounted sales account for a substantial proportion of overall tobacco product sales;[63]

WHEREAS, although federal and state law ban the sale of individual cigarettes,[78,173] neither federal nor California state laws restrict the sale of individual little cigars and cigars;

WHEREAS, many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.[79] Additionally:

- 78.3% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than $1.00;[79]
- Between 2012 and 2016, annual sales of cigarillos increased by 78% overall and by 155% for "concept-flavored" (e.g., Jazz) cigarillos;[174]

WHEREAS, a 10% increase in cigar prices has been associated with decreased cigar sales[175,176] and may significantly reduce cigar use among youth;[177]

WHEREAS, neither federal nor California state laws set a minimum price for tobacco products;

WHEREAS, minimum price markups and related laws in other states have been shown to be effective at increasing the price of cigarettes but may remain vulnerable to price manipulation by the tobacco industry without attention to coupons and discounts;[82]

WHEREAS, studies have estimated that if price discounts were prohibited across the United States, the number of people who smoke would decrease by more than 13%;[68] the impact of a $10 federal minimum floor price for cigarettes could reduce the number of

DRAFT

packs sold in the United States by 5.7 billion per year and prompt more than 10 million smokers to quit;[55] and that a state-level minimum floor price law designed to raise the average price of cigarette packs by just under $2.00 could decrease the prevalence of cigarette use and consumption by more than 4% and reduce income-based smoking disparities in California;[86]

WHEREAS, by selling tobacco products, pharmacies reinforce positive social perceptions of smoking, convey tacit approval of tobacco use, and send a message that it is not so dangerous to smoke;[178,179]

WHEREAS, pharmacies sell cigarettes cheaper than other stores118 and advertise tobacco product discounts more than other stores in California;[80]

WHEREAS, tobacco-free pharmacy sales policies decrease the availability of tobacco products by reducing tobacco retailer density by up to three times compared with communities that do not have such policies,[119] and immediately after the nationwide CVS policy change to not sell tobacco products, cigarette purchases declined and smokers who had previously purchased their cigarettes exclusively at CVS were up to twice as likely to stop buying cigarettes entirely;[120]

WHEREAS, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day,[90] particularly in neighborhoods experiencing poverty;[90,180-182]

WHEREAS, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates[101] and initiation of noncigarette tobacco product use;[183]

WHEREAS, adults who smoke are likely to have a harder time quitting when residential proximity to tobacco retailers is closer[107] and density is higher;[184-186]

WHEREAS, tobacco retailers are more prevalent in underserved communities, especially in neighborhoods with a higher proportion of African American or Hispanic residents;[93-98]

WHEREAS, tobacco retailer density is higher in urban compared to rural areas, except for low- income communities, which have higher tobacco retailer densities regardless of geography, and Hispanic communities, which are associated with variable retailer densities across geography;[97,187]

WHEREAS, policies to reduce tobacco retailer density have been shown to be effective[103,104,188,189] and can reduce or eliminate inequities in the location and distribution of tobacco retailers;[103,104]

WHEREAS, six out of 10 tobacco retailers in California sold cigar products using cannabis-related flavor descriptors and these retailers were more prevalent in school neighborhoods with lower median income;[190]

DRAFT

WHEREAS, both youth and adult tobacco users are more likely to also use cannabis;[191,192]

WHEREAS, strict enforcement of policies prohibiting retail sales of cigarettes to youth, sales of cigarettes via vending machines, and other means through which youth gain access to tobacco in the commercial settings can limit their opportunities to obtain these products;[26,27]

WHEREAS, strong policy enforcement and monitoring of retailer compliance with tobacco control policies (e.g., requiring identification checks) is necessary to achieve reductions in youth tobacco sales;[193,194]

WHEREAS, the Institute of Medicine recognizes that retailers are not likely to comply with youth tobacco access laws unless such laws are actively enforced through retailer compliance checks paired with meaningful penalties on business owners for violations;[195]

WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3);

WHEREAS, California courts have affirmed the power of the city council to regulate business activity to discourage violations of law. See, e.g., Cohen v. Board of Supervisors, 40 Cal. 3d 277 (1985); Bravo Vending v. City of Rancho Mirage, 16 Cal. App. 4th 383 (1993); Prime Gas, Inc. v. City of Sacramento, 184 Cal. App. 4th 697 (2010);

WHEREAS, over 180 cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop youth from using tobacco;[9]

WHEREAS, the city council has a substantial interest in protecting youth and underserved populations from the harms of tobacco use; and

WHEREAS, the city council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City of Sonora in order to protect the health, safety, and welfare of our residents;

NOW THEREFORE, it is the intent of the city council, in enacting this ordinance, to ensure compliance with the business standards and practices of the city and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco products to youth, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.

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18 Cal. Bus. & Prof. Code § 22971.3 ("Nothing in this division preempts or supersedes any local tobacco control law other than those related to the collection of state taxes. Local licensing laws may provide for the suspension or revocation of the local license for any violation of a state tobacco control law.").

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