

File No. 240267

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date April 3, 2024

Board of Supervisors Meeting Date _____

Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| | | • CA DOJ Award Letter 10/11/2023 |
| | | • CA DOJ Summary of Award |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPH Letter of Intent to Accept Funds 10/13/2023</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPH Statement on Retroactivity 3/28/2024</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPH Presentation 4/3/2024</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Brent Jalipa Date March 28, 2024

Completed by: Brent Jalipa Date _____

1 [Accept and Expend Grant - Retroactive - California Department of Justice - Tobacco Grant
2 Award Notification Fiscal Year 2023-24 - \$2,888,144]

3 **Resolution retroactively authorizing the Department of Public Health to accept and**
4 **expend a grant in the amount of \$2,888,144 from the California Department of Justice**
5 **for participation in a program, entitled “Tobacco Grant Award Notification Fiscal Year**
6 **2023-24,” for the period of January 1, 2024, through June 30, 2026.**

7
8 WHEREAS, The California Department of Justice (DOJ) has agreed to fund the San
9 Francisco Department of Public Health (DPH) in the amount of \$2,888,144 for the period of
10 January 1, 2024, through June 30, 2026; and

11 WHEREAS, DPH continues the important work of reversing public health harms
12 caused by tobacco sales and marketing, especially in our marginalized and vulnerable
13 communities, through the enforcement of tobacco control laws; and

14 WHEREAS, In partnership with San Francisco tobacco retailers, community, San
15 Francisco Police Department and City Attorney’s Office, DPH will continue to prevent youth
16 access to flavored tobacco and nicotine products, including through online sales; and

17 WHEREAS, DPH will maintain data collection, analysis, and reporting to its partners for
18 the evaluation of the program’s effectiveness; and

19 WHEREAS, The grant does not require an Annual Salary Ordinance Amendment; and

20 WHEREAS, A request for retroactive approval is being sought because DPH received
21 the award letter on October 11, 2023, for a project start date of January 1, 2024; and

22 WHEREAS, The grant budget includes a provision for indirect costs in the amount of
23 \$137,530; now, therefore, be it

24 **RESOLVED**, That DPH is hereby authorized to retroactively accept and expend a grant
25 in the amount of \$2,888,144 from the DOJ; and, be it

1 FURTHER RESOLVED, That DPH is hereby authorized to retroactively accept and
2 expend the grant funds pursuant to Administrative Code, Section 10.170-1; and, be it

3 FURTHER RESOLVED, That the Director of Health is authorized to enter into the
4 Agreement on behalf of the City.

1 Recommended: Approved: /s/
2 Mayor
3 /s/
4 Dr. Grant Colfax Approved: /s/
5 Director of Health Controller
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Grant Accept & Expend: Department of Justice Youth Tobacco Sales Prevention BOS Budget & Finance Committee

Jen Callewaert
Assistant Director, Environmental Health, SFDPH
April 3, 2024



SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Overview of Funding



- **Accept & Expend Grant:**
 - **Funder:** California Department of Justice
 - **Grant Summary:** Prevent youth access to flavored tobacco and nicotine products by partnering with community, SFPD, City Attorney, and tobacco retailers
 - **Amount:** \$2,888,144
 - **Timeline:** January 2024 - June 2026

Tobacco Grant Program



- **Support for local retailer enforcement and education** regarding tobacco access to youth
- Funds City partners – SFPD, City Attorney
- Supports several positions within DPH, including trainee positions
- Goals of Tobacco Prevention Program:
 - Strengthen and support the restructured Foundational Operations Team
 - Reinforce and support the enforcement of online sales of illegal tobacco products
 - Strengthen the prevention of tobacco sales to minors
 - Reinforce and support data integrity, reporting, and accessibility standardization

Retroactivity



We are seeking **retroactive authorization** for this item.

- The grantor was negotiating with DPH about the final budget after DPH received the notice of the award.
- DPH received notice of the award from CA DOJ on October 11, 2023, for a project start date of January 1, 2024.
- The project start date was predetermined by the grantor.
- DPH received budget approval from the grantor on December 8, 2023, and proceeded with the City fiscal approvals process.

DPH respectfully requests retroactive approval of this item.

Thank you!

File Number: 240267
(Provided by Clerk of Board of Supervisors)

Grant Resolution Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Tobacco Grant Award Notification Fiscal Year 2023-24**

2. Department: **Department of Public Health
Environmental Health**

3. Contact Person: **Janine Young** Telephone: **415-252-3903**

4. Grant Approval Status (check one):

☒ Approved by funding agency

☐ Not yet approved

5. Amount of Grant Funding Approved or Applied for: **\$2,888,144**

6a. Matching Funds Required: **\$ 0**

b. Source(s) of matching funds (if applicable): **N.A.**

7a. Grant Source Agency: **California Department of Justice**

b. Grant Pass-Through Agency (if applicable): **N.A.**

8. Proposed Grant Project Summary:

The Department of Public Health (SFDPH) continues the important work of reversing public health harms caused by tobacco sales and marketing, especially in our marginalized and vulnerable communities, through the enforcement of tobacco control laws. In partnership with San Francisco tobacco retailers, community, San Francisco Police Department and City Attorney's Office, SFDPH will continue to prevent youth access to flavored tobacco and nicotine products, including through online sales. SFDPH will maintain data collection, analysis, and reporting to its partners for the evaluation of the program's effectiveness. These partnerships exemplify SFDPH's commitment for transparency, accountability, and equity.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: **January 1, 2024**

End-Date: **June 30, 2026**

10a. Amount budgeted for contractual services: **\$356,550**

b. Will contractual services be put out to bid? **No.**

c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **N.A.**

d. Is this likely to be a one-time or ongoing request for contracting out? **On-going**

11a. Does the budget include indirect costs?

☒ Yes

☐ No

b1. If yes, how much? **\$137,530**

b2. How was the amount calculated? **5% of Expenditures**

c1. If no, why are indirect costs not included? **N.A.**

☐ Not allowed by granting agency

☐ To maximize use of grant funds on direct services

☐ Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? **N.A.**

12. Any other significant grant requirements or comments:

The grant does not require an ASO amendment, does not create net new positions and partially reimburses the department for the existing positions:

No.	Class	Job Title	FTE	Start Date	End Date
1	0922	Manager I	0.800	01/01/2024	06/30/2026
2	6122	Senior Health Inspector	0.800	01/01/2024	06/30/2026
3	6108	Environmental Health Technician	0.400	01/01/2024	06/30/2026
4	9910	Public Service Trainee	2.000	01/01/2024	06/30/2026
5	1406	Senior Health Clerk	0.400	01/01/2024	06/30/2026
6	1823	Senior Administrative Analyst	0.330	01/01/2024	06/30/2026

We respectfully request for approval to accept and expend these funds retroactive to January 1, 2024. The Department received the award on October 11, 2023.

The grantor is a State entity.

Project Description: HD ENV 2324 PD203 SFDPH DOJ PR

Proposal ID: CTR00003819

Project: 10040622

Activity: 0001

Fund: 11580

Authority: 10001

****Disability Access Checklist** (Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

<input checked="" type="checkbox"/> Existing Site(s)	<input type="checkbox"/> Existing Structure(s)	<input type="checkbox"/> Existing Program(s) or Service(s)
<input type="checkbox"/> Rehabilitated Site(s)	<input type="checkbox"/> Rehabilitated Structure(s)	<input type="checkbox"/> New Program(s) or Service(s)
<input type="checkbox"/> New Site(s)	<input type="checkbox"/> New Structure(s)	

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Toni Rucker, PhD
(Name)

DPH ADA Coordinator
(Title)

Date Reviewed: 12/20/2023 | 11:05 AM PST

DocuSigned by:
Toni Rucker
AB4282F7331F44D...
(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Dr. Grant Colfax
(Name)

Director of Health
(Title)

Date Reviewed: 12/22/2023 | 2:02 PM PST

DocuSigned by:
Greg Wagner
26527924752942F...
(Signature Required)
Greg Wagner, COO for

TOBACCO GRANT BUDGET DETAIL
San Francisco Department of Public Health

23/24 AWARD BUDGET
DOJ-PROP56-2023-24-1-027

Costs Per Fiscal Year (July 1 - June 30)

A. Personal Services

Salaries

Classification/Positions	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTALS
Principal Inspector (6124) or Manager I (0922)	0.8 FTE	\$ 76,721	\$ 153,443	\$ 153,443	\$ -	\$ 383,607
Senior Health Inspector (6122)	0.8 FTE	\$ 69,614	\$ 139,228	\$ 139,228	\$ -	\$ 348,070
Environmental Health Technician (6108)	0.4 FTE	\$ 22,425	\$ 44,850	\$ 44,850	\$ -	\$ 112,125
Public Service Trainee (9910)	2.0 FTE	\$ 90,202	\$ 180,404	\$ 180,404	\$ -	\$ 451,010
Senior Health Clerk (1406)	0.4 FTE	\$ 17,339	\$ 34,678	\$ 34,678	\$ -	\$ 86,695
Senior Administrative Analyst (1823)	700 hours	\$ 26,390	\$ 52,780	\$ 52,780	\$ -	\$ 131,950
SUBTOTAL		\$ 302,691	\$ 605,383	\$ 605,383	\$ -	\$ 1,513,457

Overtime

Classification/Positions	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTALS
Environmental Health Technician (6108)		\$ 1,290	\$ 2,578	\$ 2,578	\$ -	\$ 6,446
Public Service Trainee (9910)		\$ 5,184	\$ 10,368	\$ 10,368	\$ -	\$ 25,920
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
SUBTOTAL		\$ 6,474	\$ 12,946	\$ 12,946	\$ -	\$ 32,366

Benefits

Classification/Positions	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTALS
Benefits for all personnel listed above		\$ 156,889	\$ 313,776	\$ 313,776	\$ -	\$ 784,441
		\$ -	\$ -	\$ -	\$ -	\$ -

TOBACCO GRANT BUDGET DETAIL
San Francisco Department of Public Health

23/24 AWARD BUDGET
DOJ-PROP56-2023-24-1-027

		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
SUBTOTAL		\$ 156,889	\$ 313,776	\$ 313,776	\$ -	\$ 784,441
TOTAL PERSONAL SERVICES		\$ 466,054	\$ 932,105	\$ 932,105	\$ -	\$ 2,330,264

TOBACCO GRANT BUDGET DETAIL
San Francisco Department of Public Health

23/24 AWARD BUDGET
DOJ-PROP56-2023-24-1-027

B. Operating Expenses and Equipment

Equipment (Tangible items with a PER-UNIT cost of \$5,000 or more)

Description	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTALS
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
SUBTOTAL		\$ -	\$ -	\$ -	\$ -	\$ -

Other Expenses

Description	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTALS
Printed Materials / Reproduction (inspection reports, educ/training materials, no smoking signs) Monthly cell service (wifi hotspot; field camera); Translation services (for education, outreach, enforcement); Age verification scanners (5)	Pre-approval required for designed materials & signage	\$ 6,000	\$ 12,300	\$ 12,300	\$ -	\$ 30,600
Contract - San Francisco Police Department	Decoy Operations & flavored tobacco/e-cig operations; Contract must be provided to DOJ	\$ 21,250	\$ 42,500	\$ 42,500	\$ -	\$ 106,250
City Attorney's Office & Administrative Law Judge	Prosecution, online buys, administrative hearings	\$ 91,400	\$ 94,450	\$ 64,450	\$ -	\$ 250,300
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
SUBTOTAL		\$ 118,650	\$ 149,250	\$ 119,250	\$ -	\$ 387,150

Travel Expenses/Registration Fees*

Description and Destination	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTALS
Transit passes for field staff		\$ 2,640	\$ 5,280	\$ 5,280	\$ -	\$ 13,200
Conference (Tobacco focus)	pre-approval required	\$ -	\$ 10,000	\$ 10,000	\$ -	\$ 20,000

TOBACCO GRANT BUDGET DETAIL
San Francisco Department of Public Health

23/24 AWARD BUDGET
DOJ-PROP56-2023-24-1-027

		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
*For approved tobacco related training only. Travel cannot exceed current state rates.						
SUBTOTAL		\$ 2,640	\$ 15,280	\$ 15,280	\$ -	\$ 33,200
TOTAL OPERATING EXPENSES AND EQUIPMENT		\$ 121,290	\$ 164,530	\$ 134,530	\$ -	\$ 420,350

C. Administrative Costs*

Description	Computation	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	TOTAL
Admin	5%	\$ 29,367	\$ 54,832	\$ 53,331	\$ -	\$ 137,530
TOTAL		\$ 29,367	\$ 54,832	\$ 53,331	\$ -	\$ 137,530

*Administrative costs must not exceed 5% of the total budget.

TOBACCO GRANT BUDGET DETAIL
San Francisco Department of Public Health

23/24 AWARD BUDGET
DOJ-PROP56-2023-24-1-027

SUMMARY

Budget Category	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	Total Request
A. Personal Services	\$ 466,054	\$ 932,105	\$ 932,105	\$ -	\$ 2,330,264
B. Operating Expenses and Equipment	\$ 121,290	\$ 164,530	\$ 134,530	\$ -	\$ 420,350
C. Administrative Costs	\$ 29,367	\$ 54,832	\$ 53,331	\$ -	\$ 137,530
TOTAL PROJECT COSTS	\$ 616,711	\$ 1,151,467	\$ 1,119,966	\$ -	\$ 2,888,144



C A L I F O R N I A
DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

DIVISION OF OPERATIONS
OFFICE OF THE CHIEF
GRANT SERVICES BRANCH
TOBACCO GRANT PROGRAM
P.O. Box 160187
Sacramento, CA 95816-0187
Telephone: (916) 210-6422
E-Mail Address: TobaccoGrantRFP@doj.ca.gov

October 11, 2023

Janine Young, Senior Health Inspector
San Francisco Department of Public Health
49 South Van Ness Avenue, Suite 600
San Francisco, CA 94103

Re: Tobacco Grant Award Notification Fiscal Year 2023-24 (RFP: DOJ-PROP56-2023-24-1)

Dear: Janine Young

Congratulations! On behalf of the California Department of Justice (DOJ), Tobacco Grant Program, I am pleased to inform you that your agency's grant application for the fiscal year 2023-24 grant cycle has been approved for grant funds authorized under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. The total amount of your agency's grant award is \$2,888,144.

The Tobacco Grant Program's award process is highly competitive, and for the 2023-24 grant cycle, the Department received over \$48 million in requests. As noted in the application materials, grant funding prioritized support for local retailer enforcement and education efforts, including enforcement of flavored tobacco bans. Consequently, some awards were approved with modifications based upon funding priorities.

To accept the 2023-24 grant award, please complete and return the following by email within 15 calendar days of the date of this letter:

1. Signed Letter of Intent (template attached), affirming either:
 - a. Your agency will seek a resolution from the governing body to accept the award (*if your agency has a governing body*); or
 - b. No governing body exists and no resolution is required.
28. Summary of Award (template attached)

Please email the signed Letter of Intent and Summary of Award as indicated above to TobaccoGrantRFP@doj.ca.gov with the subject line including the name of your agency: "FY 23-24_Letter of Intent_San Francisco Department of Public Health." Upon receipt of this information, the Department will provide your agency with additional documents for

October 11, 2023

Page 2

execution/use (e.g., Memorandum of Understanding, Grantee Handbook, etc.). These documents will contain more information about the process for reimbursement and other important details. Activities for reimbursement under this grant may commence November 1, 2023.

Should you have any questions regarding this letter or the required follow up information, please email TobaccoGrantRFP@doj.ca.gov.

Sincerely,

STACY HEINSEN
Manager, Tobacco Grant Program

For ROB BONTA
Attorney General

Attachments:
Letter of Intent
Summary of Award
Budget Detail



Tobacco Grant Program Grant Services Branch – Local Assistance Division of Operations

SUMMARY OF AWARD – DOJ-PROP56-2023-24-1-027

San Francisco Department of Public Health

I. Award Summary

Requested Amount: \$3,027,732	Award Amount: \$2,888,144
Removed from Award: Epidemiologist, Media Campaign	Reduced Line Items: None
Other Changes or Stipulations: Modify goal(s) to reflect shift of funds from CAO for health code/rules reg amendments into enforcement investigation and prosecution.	

II. Notes for All Grantees

- a. Enforcement Activities
 - i. Authorized - If enforcement activities were proposed, only activities that target retailers for illegal sales/marketing of tobacco products were approved.
 - ii. Unauthorized - Community and school patrols or other enforcement actions related to tobacco use and possession are not permitted.
- b. Removed Personnel or Other Items
 - i. If specific personnel or other items were removed and not funded, they cannot be reinstated during the grant term.
- c. Reduced Line Items
 - i. If a specific line item was reduced, the intention was to not fully fund it or the activities it represents.
- d. Mileage/Fuel
 - i. Budgets that include mileage or fuel were amended to include both together in one line item for flexibility and the type of backup documentation available. Mileage is limited to the state rate at the time of travel.
- e. Equipment
 - i. All equipment items must be purchased during that first year of the grant. Their awarding is intended to support project goals and be used to support grant activities during the grant term.

Please reference the Tobacco Grant Program Grantee Handbook for more information regarding allowable costs under this grant cycle.

III. Goals and Budget Narrative

- a. Based on the information contained in page 1, we expect some goals, objectives, and deliverables stated in your proposal may have been removed or adjusted. With that in mind, please re-state your funded goals, objectives, deliverables, and budget narratives using the template below so they are reflective of required changes noted on page 1.
- b. The Tobacco Grant Program will reference this document when determining whether an activity was approved for funding and is reimbursable.
- c. Completion of this summary is required in order for DOJ to fully execute the Memorandum of Understanding and becomes part of the Grant Agreement.

Goal 1 Title:	Strengthen and Support the Restructured Foundational Operations Team
Goal Description:	Restructured Tobacco Team to increase compliance inspections, lead enforcement efforts, and build capacity and City partners.
Measureable Outcome:	In each Supervisorial District, decrease the number of flavored tobacco violations by up to 10%
Timeline:	January 1, 2024 through June 30, 2026
Narrative Description:	<p>In the past, the EHB-Retail Tobacco Team field team consisted of 1 Senior Health Inspector and 2 Trainees to conduct compliance inspections at more than 670 retail establishments selling tobacco products. With 85% of the retailers having a food and tobacco permit, in March 2022, over 25 inspectors from SFDPH-EHB -Consumer Protection Program were trained to conduct tobacco compliance inspections to increase the number of SFDPH staff inspecting for illegal tobacco products.</p> <p>Grant funds will strengthen and support the new foundational team consisting of a Program Manager, Senior Health Inspector, Environmental Technician, and two Trainees to: (1) conduct administrative activities (e.g., process applications, issue permits, develop forms, and Standard Operating Procedures, etc.); (2) develop trainings for retailers and inspectors posted on SFDPH-EHB webpage and various platforms; (3) lead all enforcement activities in collaboration with the City Attorney's Office, when needed, including preparing documents for administrative hearings and appeals; (4) conduct smoking complaint investigations; (5) build and develop collaborative partnerships with strategic City agencies to improve educational materials and outreach; and incorporate restorative and supportive practices in the enforcement process; and (6) learn from other jurisdictions best practices to prevent illegal tobacco product sales.</p> <p>With DOJ funding, SFDPH will reach measurable goals and share trainings to support capacity building at other jurisdictions. [Grant funds support Objectives 2, 3, 4 & 5]</p>

Goal 2 Title:	Reinforce and Support the Enforcement of Online Sales of Illegal Tobacco Products
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Goal Description:	Prevent online sales of illegal tobacco products utilizing the City Attorney's Office (CAO) enforcement authority, including filing lawsuits.
Measureable Outcome:	The litigation of up to 2 cases per year; and Increase the number of online companies that block San Francisco.
Timeline:	January 1, 2024 through June 30, 2026
Narrative Description:	<p>Since 2019, San Francisco prohibits the sale or distribution, including via the mail or internet, of flavored tobacco products and e-cigarettes that do not have an FDA pre-market approval to any person in San Francisco. Young people disproportionately use flavored tobacco products including menthol cigarettes. In fact, 81% of youth who have ever used a tobacco product report that the first product they used was flavored. Thus, targeting the online sale of flavored tobacco products necessarily will support DOJ's enforcement priority of preventing online sales to minors.</p> <p>During the last DOJ grant cycle, SFDPH-EHB surveyed hundreds of online tobacco retailers to determine whether those retailers may be shipping flavored tobacco products to a San Francisco mailing address. While the Department confirmed that 400 online businesses blocked flavored tobacco product shipments to San Francisco, over 120 online businesses did not appear to block San Francisco addresses. These businesses and their websites represent the potential pool of entities that likely do not comply with San Francisco's flavored tobacco ban.</p> <p>With DOJ grant funds and SFDPH's technical assistance, through a MOU, the CAO will identify companies that are selling flavored tobacco products and e-cigarettes online and shipping directly to end users in San Francisco. The CAO would file suit against one or more such companies that are violating San Francisco law and send cease and desist letters to other non-compliant companies. Additionally, the CAO will flag and identify any companies that are not adequately verifying a buyer's age before completing the sale and may include that claim in any lawsuit/demand letter as appropriate. [Grant funds support Objectives 1, 2, 3 & 4]</p>

Goal 3 Title:	Strengthen Tobacco Sales to Minor Prevention Program
Goal Description:	Prevent sales to minors through retailer education and evaluation of effectiveness through SFPD Minor Decoy Operations.
Measureable Outcome:	Conduct educational visits at 600 tobacco retailers; and Conduct 1 Minor Decoy Operation visit at up to 500 retailers.
Timeline:	January 1, 2024 through June 30, 2026
Narrative Description:	<p>SFDPH in partnership with San Francisco Police Department (SFPD) is committed to no tobacco sales to persons under the age of 21 years old ("Minors") at any permitted retailer. Over the past two grant cycles, to accomplish this goal, SFPD conducts Decoy operations utilizing Decoys between the ages of 15-19 years old to attempt the purchase of flavored tobacco products, including menthols, or e-cigarettes. Since 2018, the overall rate of tobacco sales to the Minor Decoy is approximately 9.7%. To significantly reduce the rate of sales to below 5%, DOJ grant funds is needed to accomplish the following activities:</p> <ul style="list-style-type: none"> (1) Conduct Minor Decoy visits of up to 500 retailers over the proposed grant cycle. (2) Develop retailer education and training focused on prevention of tobacco sales to Minor through the engagement of key City partners that support San Francisco retailers. (3) Conduct educational and outreach visits at all retailers over the proposed grant cycle. (4) Provide educational and training materials in priority languages and accessible anywhere-at-any time. (5) Research and expand mitigation strategies, including providing age verification scanners, in partnership with key City partners to reduce repeat sales to Minors and provide opportunities to foster partnerships and a diversion process from more punitive consequences. <p>[Grant funds support Objectives 1, 3, 4 & 5]</p>

Goal 4 Title:	Reinforce and Support Data Integrity, Reporting, and Accessibility Standardization
Goal Description:	Share data and lessons learned to community and assist other agencies to build capacity.
Measureable Outcome:	Post online updated tobacco permit density map and violations; and participate in up to 4 trainings, conferences, or research activities.
Timeline:	January 1, 2024 through June 30, 2026
Narrative Description:	<p>With the public's rising demand for government to replace police presence for non-violent and social justice issues (e.g., tobacco control laws) with community empowerment; local jurisdictions are searching to enforce laws in a manner that respects community and partners with business owners in a restorative and supportive process to prevent tobacco permit violations. To empower the community, SFDPH believes that one of the best practices is to expand partnership with community-based organizations ("CBO"). In the last grant cycle, SFDPH contracted with a CBO which dissolved the partnership because trust was not established between the agencies. In this proposed grant cycle, SFDPH will identify and partner with City agencies (e.g., Office of Economic Workforce Development, Office of Small Business, etc.) that have relationships with community and tobacco retailers. These City agencies will bridge SFDPH with community and retailers to review permit density and violations data for the development and implementation of educational materials, conduct outreach activities, and evaluate the effectiveness of the enforcement process. Moreover, with grant funds, SFDPH staff will:</p> <ol style="list-style-type: none"> (1) Standardize data collection, analysis, reporting (e.g., interactive maps, graphs, charts, etc.), and posting online for accessibility to the San Francisco retailers, community, and other jurisdictions. (2) Attend working groups, including but not limited to Big Cities Healthy Coalition, DOJ Tobacco Grant Working Group, San Francisco Tobacco Coalition, and Bay Area Tobacco Enforcement. (3) Participate in up to 4 tobacco focused conferences, trainings, or research activities in this proposed grant cycle. (4) Develop and post online trainings and educational materials for retailers, enforcement staff and to assist other jurisdictions to build their enforcement capacity, when needed. <p>[Grant funds support Objectives 1, 2, 3, 4, 5 & 6]</p>

Budget Narrative:	<p>SFDPH brings in revenue through the annual tobacco permit license for 600 retail tobacco establishments, which decreases every year due to the tobacco permit density law (e.g., 670 retailers in 2020).</p> <p>With SFDPH facing budget cuts over the next few fiscal years, it's imperative that SFDPH seeks and secures alternative funding sources. DOJ grant funds will be used to maintain the core foundational Tobacco and Smoking Program staff, who are essential to complete the goals and objectives outlined in this proposal (e.g., online education and training materials, outreach, tobacco permit processing, data collection and reporting, partnership with strategic City agencies; and lead all enforcement and implementation activities for current and new state and local tobacco control laws). Moreover, the requested funds will assist SFDPH to expand the diversion program and aid business owners to prevent illegal tobacco product sales (e.g., supplying age verification scanners, providing educational materials translated in priority languages).</p> <p>DOJ funding supports SFDPH's commitment to empower communities most impacted by tobacco products marketing and sales through engagement about policies, procedures, education, and outreach efforts that supports tobacco retailers to only sell legal tobacco products to individuals 21 years of age and older. Finally, DOJ funds provides SFDPH the opportunity to continue to move the needle towards zero tobacco sales to persons under the age of 21 years old; zero retailers selling tobacco products without a permit; and zero flavored tobacco products sales to any person or business in San Francisco. Without DOJ funds, SFDPH will probably not succeed in many of these proposed goals that improves public health.</p>
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End



San Francisco Department of Public Health

Grant Colfax, MD
Director of Health

City and County of San Francisco
London N. Breed
Mayor

October 13, 2023

Department of Justice
Division of Operations
Tobacco Grant Program
P.O. Box 160187
Sacramento, CA 95816-0187

Re: Letter of Intent to Accept Tobacco Grant Program Award (Fiscal Year 2023-24)

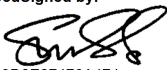
Dear Tobacco Grant Program Specialist:

Please accept this Letter of Intent as our agency's acceptance of the Tobacco Grant Program award for the 2023-24 grant cycle. The agency has agreed to accept the grant amount of \$2,888,144 and any conditions specified in the Summary of Award and Budget detail documents sent with the award letter.

In addition, on behalf of the agency, I affirm the following (*please check one*):

- (X) The agency will seek a resolution from its governing body to accept the award, or
() The agency does not have a governing body and does not require a resolution to accept the award.

Sincerely,

DocuSigned by:


4C9D2E27476A474...
Susan Philip, MD MPH

Health Officer, City and County of San Francisco
Director, Population Health Division
415.802.5462
susan.philip@sfdph.org



San Francisco Department of Public Health

Grant Colfax, MD
Director of Health

City and County of San Francisco
London N. Breed
Mayor

Memorandum

To: Honorable Members of the Board of Supervisors

From: San Francisco Department of Public Health

Date: Thursday, March 28, 2024

Re: Accept and Expend California Department of Public Health - Tobacco Grant Award Notification Fiscal Year 2023-2024 - \$2,888,144

This Resolution seeks authorization for the Department of Public Health (DPH) to retroactively accept and expend funds in the amount of \$2,888,144 from the California Department of Justice (DOJ).

This item is retroactive due to delays in the city approvals process. The Controller's Office required clarification on the need for an ASO (annual salary ordinance) amendment to the budgeted positions. After discussions between DPH and the Controller's Office, it was confirmed that the positions were temporary and did not require ASO amendments.

DPH received the notice of award from DOJ on October 11, 2023, for a project start date of January 1, 2024. The project start date was predetermined by the grantor. Upon receiving the grant, DPH put together the accept and expend packet and forwarded to the Controller's Office for review on October 27, 2023. After discussions with the Controller's Office on the positions supported by this grant, the Controller's Office approved the accept and expend packet and forwarded the signed package to the Mayor's Office on March 5, 2024 for introduction on March 19, 2024.

We humbly request retroactive authorization for this item. Please contact Greg Wong, grants analyst, at greg.wong@sfdph.org for any questions about this request for retroactive authorization.

City and County of San Francisco

Department of Public Health



London N. Breed
Mayor

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Dr. Grant Colfax
Director of Health

DATE: 3/1/2024

SUBJECT: Grant Accept and Expend

GRANT TITLE: Tobacco Grant Award Notification Fiscal Year 2023-24 -
\$2,888,144

Attached please find the original and 1 copy of each of the following:

- ☒ Proposed grant resolution, original signed by Department
- ☒ Grant information form, including disability checklist
- ☒ Budget and Budget Justification
- ☐ Grant application: Not Applicable. No application submitted.
- ☒ Agreement / Award Letter
- ☐ Other (Explain):

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted resolution:

Name: Gregory Wong (greg.wong@sfdph.org) Phone: 554-2521

Interoffice Mail Address: Dept. of Public Health, 101 Grove St # 108

Certified copy required Yes ☐

No ☒

From: [Trejo, Sara \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Wong, Greg \(DPH\)](#); [Validzic, Ana \(DPH\)](#); [English, Jack \(MYR\)](#); [Tam, Madison \(BOS\)](#); [Gee, Natalie \(BOS\)](#)
Subject: Mayor -- Resolution -- Tobacco Grant Award
Date: Tuesday, March 19, 2024 2:36:59 PM
Attachments: [1258 Board Cover Memo.docx](#)
[1258 Resolution.doc](#)
[DPH A&E - Tobacco Grant Award Notification Fiscal Year 2023-24 - \\$2,888,144.pdf](#)
[1258 San Francisco DPH Award Letter.pdf](#)
[1258 San Francisco DPH Summary Award-DOJ-PROP56-23-24-027.FINAL.docx](#)
[1258 Budget Detail 2023-24 - San Francisco DPH.xlsx](#)
[1258 DOJ Acceptance of Funds.docx.pdf](#)
[1258 GRIF.docx](#)
[MBO Approval.msg](#)

Hello Clerks,

Attached is a Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$2,888,144 from the California Department of Justice for participation in a program entitled, "Tobacco Grant Award Notification Fiscal Year 2023-24," for the period of January 1, 2024, through June 30, 2026.

Please note, Supervisor Dorsey and Supervisor Walton are cosponsors of this item.

Best regards,

Sara Trejo

Legislative Aide

Office of the Mayor

City and County of San Francisco

415.554.6141 | sara.trejo@sfgov.org