

1 [Supporting California State Senate Bill No. 39 (Hill) - Tobacco Products]

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3 **Resolution supporting California State Senate Bill No. 39, authored by Senator Jerry**  
4 **Hill and co-authored by Senators Steve Glazer and Anthony Portantino, to require**  
5 **tobacco products to be delivered only in a container that is conspicuously labeled as**  
6 **being a tobacco product that requires the signature of a person 21 years of age or**  
7 **older; and require before completing a delivery, a specified entity shall obtain the**  
8 **signature of a person 21 years of age or older upon delivering the product to the**  
9 **recipient's or purchaser's address, as specified.**

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11 WHEREAS, Despite progress reducing smoking, tobacco use remains the leading  
12 cause of preventable death in the United States, killing more than 480,000 people each year  
13 in many forms of cancer, heart disease and respiratory diseases, among other health  
14 disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and  
15 suicides combined; and

16 WHEREAS, Existing law, the Stop Tobacco Access to Kids Enforcement Act, prohibits  
17 a person from selling or otherwise furnishing tobacco products, as defined, to a person under  
18 21 years of age; and

19 WHEREAS, Existing law prohibits the sale, distribution, or non-sale distribution of  
20 tobacco products directly or indirectly to any person under 21 years of age through the United  
21 States Postal Service or through any other public or private postal or package delivery service  
22 at locations, including, but not limited to, public mailboxes and mailbox stores; and

23 WHEREAS, Existing law requires that any person selling or distributing or engaging in  
24 the non-sale distribution of tobacco products directly to a consumer in the state through the  
25 United States Postal Services or any other public or private package delivery service verify

1 that the purchaser or recipient of the product is 21 years of age by attempting to match the  
2 name, address, and date of birth provided by the customer to information contained in records  
3 in a database of individuals whose age has been verified to be 21 or older by reference to an  
4 appropriate database of government records kept by the distributor, a direct marketing firm, or  
5 any other entity; and

6 WHEREAS, According to the Journal of the American Medical Association, 96% of 15  
7 to 16 year olds were able to find an internet cigarette vendor and place an order in less than  
8 25 minutes, with most completing the order in seven minutes; and

9 WHEREAS, Studies have shown that nicotine exposure during adolescence can harm  
10 the developing brain impacting learning, memory, attention and increasing the addition to  
11 other drugs; and

12 WHEREAS, Senate Bill No. 39 will be a critical component in the efforts to restrict sales  
13 of tobacco to children and youth by creating a robust age verification process; and

14 WHEREAS, Senate Bill No.39 will require tobacco products to be delivered only in a  
15 container that is conspicuously labeled with the words "CONTAINS TOBACCO PRODUCTS:  
16 SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY;"  
17 and

18 WHEREAS, Senate Bill No. 39 will also require before completing delivery, a seller,  
19 distributor, or non-sale distributor to obtain the signature of a person 21 years of age or older  
20 upon the delivery of a tobacco product to a recipient's or purchaser's address; and

21 WHEREAS, Senate Bill No. 39 will permit a recipient and a purchaser to designate an  
22 alternative address for delivery if the addresses have been verified; now, therefore, be it

23 RESOLVED, That the City and County of San Francisco Board of Supervisors urges  
24 the California Legislature and Governor Gavin Newsom to support and pass California State  
25 Senate Bill No. 39; and, be it

1           FURTHER RESOLVED, That the City and County of San Francisco Board of  
2 Supervisors hereby directs the Clerk of the Board to send a copy of this resolution to the  
3 Governor of the State of California, the California State Assembly, the California State Senate,  
4 and California Senator Jerry Hill.

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