



# 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

<b>Requested Amount:</b> \$3,027,732	<b>Award Amount:</b> \$2,888,144
<b>Removed from Award:</b> Epidemiologist, Media Campaign	<b>Reduced Line Items:</b> None
<b>Other Changes or Stipulations:</b> 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.

<b>Goal 1 Title:</b>	Strengthen and Support the Restructured Foundational Operations Team
<b>Goal Description:</b>	Restructured Tobacco Team to increase compliance inspections, lead enforcement efforts, and build capacity and City partners.
<b>Measureable Outcome:</b>	In each Supervisorial District, decrease the number of flavored tobacco violations by up to 10%
<b>Timeline:</b>	January 1, 2024 through June 30, 2026
<b>Narrative Description:</b>	<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 &amp; 5]</p>

<b>Goal 2 Title:</b>	Reinforce and Support the Enforcement of Online Sales of Illegal Tobacco Products
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<b>Goal Description:</b>	Prevent online sales of illegal tobacco products utilizing the City Attorney’s Office (CAO) enforcement authority, including filing lawsuits.
<b>Measureable Outcome:</b>	The litigation of up to 2 cases per year; and Increase the number of online companies that block San Francisco.
<b>Timeline:</b>	January 1, 2024 through June 30, 2026
<b>Narrative Description:</b>	<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 &amp; 4]</p>

<b>Goal 3 Title:</b>	Strengthen Tobacco Sales to Minor Prevention Program
<b>Goal Description:</b>	Prevent sales to minors through retailer education and evaluation of effectiveness through SFPD Minor Decoy Operations.
<b>Measureable Outcome:</b>	Conduct educational visits at 600 tobacco retailers; and Conduct 1 Minor Decoy Operation visit at up to 500 retailers.
<b>Timeline:</b>	January 1, 2024 through June 30, 2026
<b>Narrative Description:</b>	<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> <ol style="list-style-type: none"> <li>(1) Conduct Minor Decoy visits of up to 500 retailers over the proposed grant cycle.</li> <li>(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.</li> <li>(3) Conduct educational and outreach visits at all retailers over the proposed grant cycle.</li> <li>(4) Provide educational and training materials in priority languages and accessible anywhere-at-any time.</li> <li>(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.</li> </ol> <p>[Grant funds support Objectives 1, 3, 4 &amp; 5]</p>

<b>Goal 4 Title:</b>	Reinforce and Support Data Integrity, Reporting, and Accessibility Standardization
<b>Goal Description:</b>	Share data and lessons learned to community and assist other agencies to build capacity.
<b>Measureable Outcome:</b>	Post online updated tobacco permit density map and violations; and participate in up to 4 trainings, conferences, or research activities.
<b>Timeline:</b>	January 1, 2024 through June 30, 2026
<b>Narrative Description:</b>	<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"> <li>(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.</li> <li>(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.</li> <li>(3) Participate in up to 4 tobacco focused conferences, trainings, or research activities in this proposed grant cycle.</li> <li>(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.</li> </ol> <p>[Grant funds support Objectives 1, 2, 3, 4, 5 &amp; 6]</p>

<b>Budget Narrative:</b>	<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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