

File No. 100103

Committee Item No. 1

Board Item No. 20

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Ser. Date: April 26, 2010

Board of Supervisors Meeting

Date 5/4/10

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Completed by: Victor Young

Date April 22, 2010

Completed by: Victor Young

Date 4-27-10

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FILE NO. 100103

ORDINANCE NO.

[Prohibition on Tobacco Sales within 1,000 feet of a School.]

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Health Code is hereby amended by amending Section 1009.53, to read as follows:

SEC. 1009.53. APPLICATION PROCEDURE: INSPECTION OF PREMISES; ISSUANCE AND DISPLAY OF PERMIT.

(a) Application. An application for a tobacco sales permit shall be submitted in the name of the person(s) proposing to engage in the sale of tobacco products and shall be signed by each person or an authorized agent thereof. The application shall be accompanied by the appropriate fees as described in section 35 of the San Francisco Business and Tax Regulations Code. A separate application is required for each location where tobacco sales are to be conducted. All applications shall be submitted on a form supplied by the Department and shall contain the following information:

1. The name, address, and telephone number of the applicant;
2. The establishment name, address, and telephone number for each location for which a tobacco sales permit is sought;

1 3. Such other information as the Director deems appropriate, including the
2 applicant's type of business and whether the applicant has previously been issued a permit
3 under this Article that is, or was at any time, suspended or revoked.

4 (b) Inspection by Director. Upon receipt of a completed application and fees, the
5 Director may inspect the location at which tobacco sales are to be permitted. The Director
6 may also ask the applicant to provide additional information that is reasonably related to the
7 determination whether a permit may issue.

8 (c) Issuance of Permit. If the Director is satisfied that the applicant has met the
9 requirements of this Article and that issuance of the permit will not violate any law, the
10 Department shall issue the permit. No permit shall issue if the Director finds that the applicant
11 is in violation of San Francisco Health Code section 1009.1 (regulating cigarette vending
12 machines), San Francisco Police Code section 4600.3 (regulating the self-service
13 merchandising of tobacco products), ~~or~~ if the applicant is a pharmacy prohibited from selling
14 tobacco products under Article 19J, or if the applicant seeks a new tobacco sales permit for an
15 establishment located within 1,000 feet of the nearest point of the property line of a public or private
16 school. No permit shall issue if the application is incomplete or inaccurate.

17 (d) Display of Permit. Each permittee shall display the permit prominently at each
18 location where tobacco sales occur. No permit that has been suspended shall be displayed
19 during the period of suspension. A permit that has been revoked is void and may not be
20 displayed.

21 Section 2. The San Francisco Health Code is hereby amended by adding Article 19L,
22 Sections 1010.5 through 1010.11, to read as follows:

23 **ARTICLE 19L: TOBACCO PERMIT PROXIMITY LIMITATION**

24 **SEC. 1010.5. FINDINGS.**

25 *The Board of Supervisors finds and declares the following:*

1 1. Tobacco is the leading cause of preventable death in the United States and the leading risk
2 factor contributing to the burden of disease in the world's high income countries. According to the
3 Centers for Disease Control and Prevention (CDC), more than 400,000 deaths each year are
4 attributable to tobacco use, including one-third of all cancer deaths.

5 2. In addition to the health impact, tobacco related death and disease have an economic
6 impact. The CDC reports that tobacco use accounts for almost \$100 billion in annual health care
7 costs. In 1999, the California Department of Health Services found that the economic costs of smoking
8 in California were approximately \$475 per resident or \$3,331 per smoker, for a total of nearly \$15.8
9 billion in smoking-related costs (1999 dollars). Those same costs in 2008 increase to \$614 per resident
10 or \$4,310 per smoker for a total of nearly \$20.4 billion dollars. The 2008 dollar figures were
11 calculated based on the Consumer Price Index from 1999 compared to the Index for 2008.

12 3. Social norms about smoking influence smoking rates, particularly among those not addicted.
13 Studies have found that strong governmental regulation of smoking corresponds and may contribute to
14 anti-smoking norms. Social unacceptability has been repeatedly shown to be an important influence on
15 both initiation and quitting.

16 4. Research in California found a higher prevalence of current smoking at schools
17 with more tobacco outlets within walking distance. In San Francisco, the proportion of tobacco outlets
18 within 1000 feet of schools is above 70%. Researchers suggest that limiting the density of tobacco
19 outlets and their proximity to schools may be effective strategies to reduce youth smoking rates.
20 Researchers have also found a higher prevalence of the sale of tobacco to minors in both African
21 American and White low-income urban areas.

22 5. More than one-third (34.6%) of the San Francisco youth surveyed said it was easy to
23 purchase tobacco in their community.

1 6. In California, 13.3 % of the adult population and 15.4 % of high school students smoke.
2 Cal. Dep't Health Services, Tobacco Control Sec., 30-Day Smoking Prevalence Among California
3 Youth (March 2006).

4 7. Although it is unlawful to sell tobacco products to minors, 8.6 % of California retailers
5 surveyed do sell to minors and 13.2% of San Francisco retailers sold to minors in 2009. Cal. Dep't
6 Public Health, Tobacco Control Sec., Youth Tobacco Purchase Survey 2009 (survey results are
7 available at <http://www.cdph.ca.gov/Documents/PH09-85-Tobacco-Sales-to-Minors-2009-Chart.pdf>).
8 In fact, despite laws in every state making it illegal to sell tobacco to minors, each year an estimated
9 924 million packs of cigarettes are consumed by minors 12 to 17 years of age, yielding the tobacco
10 industry \$480 million in profits from underage smokers; Joseph R. DiFranza, MD & John J. Librett,
11 MPH, State and Federal Revenues from Tobacco Consumed by Minors, 89(7) Am. J. Pub. Health 1106
12 (July 1999).

13 8. The City and County of San Francisco has a substantial interest in ensuring that any person
14 selling or exchanging tobacco products should be at least of a legal age to purchase such products.

15 9. The City and County of San Francisco has a substantial interest in promoting compliance
16 with state laws prohibiting the sales of tobacco products to minors; in promoting compliance with
17 federal, state and local laws intended to discourage the purchase of tobacco products by minors; and
18 finally, and most importantly, in protecting children from being lured into illegal activity through the
19 misconduct of adults.

20 10. A recent study of the city of Los Angeles found that 33% of tobacco underage sales took
21 place within 1000 feet of a school. Robert Lipton, Ph.D, The Spatial Distribution of Underage Tobacco
22 Sales and School Proximity in Los Angeles.

23 11. Local regulations are necessary to control the location and operation of the sale or
24 exchange of tobacco products for the protection of public health, safety and welfare.
25

1 12. The City and County of San Francisco intends to restrict the location of tobacco retailers in
2 the City and County of San Francisco for the protection of public health, safety, and welfare of youth.

3 **SEC. 1010.6. DEFINITIONS.**

4 For the purposes of this Article, the following terms shall have the following meanings, unless
5 the context requires otherwise:

6 (a) "Application" shall mean the application submitted under Section 1009.53 for a tobacco
7 sales permit allowing the person or business to engage in the sale of tobacco products at an
8 establishment.

9 (b) "Director" shall mean the Director of Health or his or her designee.

10 (c) "Establishment" shall mean any store, stand, booth, concession or other enterprise that
11 engages in the retail sale of tobacco products.

12 (d) "School" shall mean a public or private kindergarten, elementary, middle, junior high or
13 high school.

14 **SEC. 1010.7. PROHIBITION ON TOBACCO SALES WITHIN 1,000 FEET OF A SCHOOL.**

15 (a) The City may not issue a new tobacco sales permit for any establishment located within
16 1,000 feet of the nearest point of the property line of a public or private school.

17 (b) Permits issued for tobacco sales at "Tobacco Shops" as defined in Section 1009.21 (u)
18 and "Bars" and "Taverns" as defined in Section 1009.21 (a) are exempt from the prohibition.

19 (c) ~~(b)~~ Establishments operating with a valid tobacco sales permit at a location where sales
20 would otherwise be prohibited under this Section at the operative date of this ordinance may continue
21 to operate under the existing permit and ownership of such an establishment may be assumed by a
22 parent, spouse, domestic partner, sibling or child of the identified permit holder.

23 **SEC. 1010.8. ANNUAL REPORT ON TOBACCO PERMITS.**

24 (a) The Department of Public Health, the Youth Commission and the Small Business
25 Commission shall jointly evaluate the number of expired tobacco permits that are not renewed and the

1 number of new permits issued to establishments previously permitted to operate within 1,000 feet of a
2 school. In addition, these agencies shall evaluate the types and numbers of establishments cited for
3 sales to minors to ensure that the City's enforcement actions are equitable.

4 (b) The findings shall be reported to the Board of Supervisors on an annual basis.

5 **SEC. 1010.9. AUTHORITY TO ADOPT RULES AND REGULATIONS.**

6 The Director may issue and amend rules, regulations, standards, guidelines or conditions to
7 implement and enforce this Article.

8 **SEC. 1010.10. PREEMPTION.**

9 In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights
10 or authority of the State to do those things that are required, directed, or expressly authorized by
11 Federal or State law. This ordinance does not prohibit that which is prohibited by Federal or State law
12 and this ordinance shall not apply to prohibit conduct that is prohibited by Federal and State law.

13 **SEC. 1010.11. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.**

14 In undertaking the adoption and enforcement of this Article, the City and County is assuming an
15 undertaking only to promote the general welfare. The City does not intend to impose the type of
16 obligation that would allow a person to sue for money damages for an injury that the person claims to
17 suffer as a result of a City officer or employee taking or failing to take an action with respect to any
18 matter covered by this Article.

19 **SEC. 1010.12. SEVERABILITY.**

20 If any of the provisions of this Article or the application thereof to any person or circumstance
21 is held invalid, the remainder of this Article, including the application of such part or provisions to
22 persons or circumstances other than those to which it is held invalid, shall not be affected thereby and
23 shall continue in full force and effect. To this end, the provisions of this Article are severable.

1 APPROVED AS TO FORM:

2 DENNIS J. HERRERA, City Attorney

3
4 By:


ALEETA M. VAN RUNKLE
Deputy City Attorney

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Mayor Newsom
BOARD OF SUPERVISORS

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4/28/2010

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LEGISLATIVE DIGEST

[Prohibition on Tobacco Sales within 1,000 feet of a School.]

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

Existing Law

The San Francisco Health Department issues permits for the sale of tobacco under San Francisco Health Code section 1009.53. Establishments must have a valid permit to sell tobacco products within San Francisco. Existing law does not prohibit the sales of tobacco products based on an establishment's proximity to a school.

Amendments to Current Law

The proposed ordinance will prohibit the sale of tobacco within 1,000 feet of the property line of any public or private school. "School" shall mean a public or private kindergarten, elementary, middle, junior high or high school. Only applications for new permits for sales of tobacco within 1,000 feet of a school will be denied. Establishments operating with a valid tobacco sales permit at a location where sales would otherwise be prohibited under this Section at the operative date of this ordinance may continue to operate under the existing permit and ownership of such an establishment may be assumed by the parent, spouse, domestic partner, sibling or child of the identified permit holder. Bars and taverns are exempt from the prohibition.

The Department of Public Health, the Youth Commission and the Small Business Commission shall jointly evaluate the number of expired tobacco permits that are not renewed and the number of new permits issued to establishments previously permitted to operate within 1,000 feet of a school. In addition, these agencies shall evaluate the types and numbers of establishments cited for sales to minors to ensure that the City's enforcement actions are equitable. The findings shall be reported to the Board of Supervisors on an annual basis.

Background Information

Research in California found a higher prevalence of current smoking at schools with more tobacco outlets within walking distance. In San Francisco, the proportion of tobacco outlets within 1000 feet of schools is above 70%. Researchers suggest that limiting the density of tobacco outlets and their proximity to schools may be effective strategies to reduce youth smoking rates. Researchers have also found a higher prevalence of the sale of tobacco to minors in both African American and White low-income urban areas.

More than one-third (34.6%) of the San Francisco youth surveyed said it was easy to purchase tobacco in their community. In California, 13.3 % of the adult population and 15.4 %

FILE NO.

of high school students smoke. A recent study in Los Angeles found that 33% of tobacco underage sales took place within 1000 feet of a school. Robert Lipton, Ph.D, The Spatial Distribution of Underage Tobacco Sales and School Proximity in Los Angeles.

Although it is unlawful to sell tobacco products to minors, 8.6 % of California retailers surveyed do sell to minors and 13.2% of San Francisco retailers sold to minors in 2009. Cal. Dep't Public Health, Tobacco Control Sec., Youth Tobacco Purchase Survey 2009 (survey results are available at <http://www.cdph.ca.gov/Documents/PH09-85-Tobacco-Sales-to-Minors-2009-Chart.pdf>). In fact, despite laws in every state making it illegal to sell tobacco to minors, each year an estimated 924 million packs of cigarettes are consumed by minors 12 to 17 years of age, yielding the tobacco industry \$480 million in profits from underage smokers; Joseph R. DiFranza, MD & John J. Librett, MPH, State and Federal Revenues from Tobacco Consumed by Minors, 89(7) Am. J. Pub. Health 1106 (July 1999).



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

April 15, 2010

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RE: File No. 100103[Prohibition on Tobacco Sales within 1,000 feet of a School.]

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

Small Business Commission Recommendation: Approval

Dear Ms. Calvillo:

On March 31, 2010 the Small Business Commission heard and recommended approval to the Board of Supervisors for File No. 100103. Recommendation for approval was made upon the Mayor's acceptance of exemptions for "Tobacco Shops" as defined in Section 1009.21 (u) and "Bars" and "Taverns" as defined in Section 1009.21 (a.) The Commission feels that since these establishments do not cater to or admit minors that exempting these businesses will protect a number of small businesses, while at the same time not negatively impacting the intent of the legislation. The Commission supports the reduction of tobacco sales to minors and finds that the 1,000 foot zone around schools is precedented. The Commission wishes to thank the Mayor's office for working with the Commission to minimize the impact this ordinance will have on small businesses through reasonable exemptions.

According to the Department of Public Health, "Strong tobacco permitting laws coupled with regular enforcement make a big difference in illegal sales." While the Commission supports File No. 100103 as a permitting law policy which will reduce tobacco access to minors, we question whether adequate enforcement is taking place. The Commission asks that the Department of Public Health, with support from the Mayor's office and the Board of Supervisors work to enhance current enforcement programs. Moving forward, the Commission requests that enforcement programs be improved prior to considering new legislative action.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Starr Terrell
Victor Young, Clerk of City Operations and Neighborhood Services Committee

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6481



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

April 29, 2010

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RE: File No. 100103[Prohibition on Tobacco Sales within 1,000 feet of a School.]

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

REVISED RESPONSE

Small Business Commission Recommendation: **Approval with modification**

Dear Ms. Calvillo:

On March 31, 2010 the Small Business Commission heard and recommended approval to the Board of Supervisors for File No. 100103. Recommendation for approval was made upon the Mayor's acceptance of exemptions for "Tobacco Shops" as defined in Section 1009.21 (u) and "Bars" and "Taverns" as defined in Section 1009.21 (a.) Since CONS did not adopt the proposed amendment for tobacco shops, the Commission cannot recommend approval of this ordinance in its current form. Should an amendment be introduced and accepted, the Commission will support File No. 100103.

According to DPH, there are approximately 60 tobacco shops in the City. These stores range from the 150 year old Grants Tobacconist, a fine tobacco retailer, to the City's many eclectic smoke shops, including those on Haight Street. These stores cater to customers 18 years and older and most require that persons be 18 years or older to enter the store premises. Although the definition may include some discount cigarette retailers, a majority of these stores are small business neighborhood retailers, many of whom are minority run businesses. The Commission supports requiring that these businesses only admit persons over 18 years old into their establishments.

In his testimony, Dr. Katz indicated that one of the reasons youth are sold tobacco is that they become familiar customers at stores, purchasing snacks and drinks over a period of years. Tobacco shops however, do not have this problem since their businesses focus on tobacco and tobacco paraphernalia rather than snacks, drinks and other items that youth purchase before and after school. Therefore, exempting these businesses will protect a number of small businesses, while at the same time being consistent with the intent of the legislation which is to reduce tobacco access to minors.

Since Tobacco Shops depend on the sale of tobacco and tobacco paraphernalia as a significant portion of their income, whereas there may be an opportunity for small grocery and corner stores to adjust to a tobacco free business model, tobacco shops will be unable to make an adjustment. Should no exception be made, most of these stores will see a high loss of equity and will need to shut down once a proprietor wishes to exit from the



business. The Commission strongly feels that due to the low risk of minors purchasing from these stores, along with the large impact to these small business owners that, and exemption is justified should this legislation move forward.

The Commission supports the reduction of tobacco sales to minors and finds that the 1,000 foot zone around schools is precedent. The Commission wishes to thank the Mayor's office for working with the Commission to minimize the impact that this ordinance will have on small businesses through reasonable exemptions.

According to the Department of Public Health, "Strong tobacco permitting laws coupled with regular enforcement make a big difference in illegal sales." While the Commission will consider ordinances which strengthen permitting laws, we question whether adequate enforcement is taking place. The Commission asks that the Department of Public Health, with support from the Mayor's office and the Board of Supervisors work to enhance current enforcement programs. Moving forward, the Commission requests that enforcement programs be improved prior to considering new legislative action. There are a number of opportunities to strengthen tobacco permitting laws in manners which will have minimal impact to small businesses. Should legislative action be pursued, the Commission looks forward to being a stakeholder in the process.

Sincerely,

A handwritten signature in cursive script, reading "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Starr Terrell



STANFORD
SCHOOL OF MEDICINE
Stanford University Medical Center

100703
STANFORD PREVENTION RESEARCH CENTER
<http://prevention.stanford.edu>

1070 Arastradero Road, Suite 300
Palo Alto, California 94304-1334

April 23, 1010

To Whom It May Concern:

I am a Senior Research Scientist working on tobacco control and policy studies at Stanford University School of Medicine. I study the spatial distribution of tobacco outlets, its association with neighborhood demographics, and its impact on tobacco use by adolescents and adults.

I am writing in strong support of the proposed ordinance to prohibit tobacco sales within 1,000 feet of San Francisco schools. My published research confirms higher rates of smoking at California high schools with more tobacco retailers within walking distance (1/2 mile radius). This relationship holds true when other factors related to tobacco use are held constant – factors such as neighborhood income, population density, and race/ethnicity of the school enrollment. This study and others provide scientific evidence to support public policies that would reduce the number of tobacco outlets and restrict their proximity to schools.

Local licensing is a particularly important tool to limit the presence of tobacco in the environment and to promote healthier communities. Considering the profoundly negative impact of tobacco on public health, retailer licenses to sell tobacco should be a more valuable commodity. The cost of a license should be high enough to compel retailer compliance with laws that prohibit underage sales. It would be a mistake to make some retailer licenses more valuable than others by permitting owners to transfer licenses to family members in perpetuity. This exemption would forestall meaningful reductions in tobacco outlets near schools and undermine the public health benefits of the proposed ordinance. For this reason, I urge the committee to consider amendments that would eliminate exemptions for a subset of retailers in school neighborhoods.

Sincerely,

Lisa Henriksen, PhD
Senior Research Scientist
SPRC/Department of Medicine
Stanford University School of Medicine

7/26/08
100103

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION MEMORANDUM

TO: Honorable Members, Board of Supervisors, City Operations & Neighborhood Services Committee

CC: Victor Young, Clerk, Board of Supervisors City Operations and Neighborhood Services Committee

FROM: Mario Yedidia, Program & Policy Coordinator, Youth Commission

DATE: April 26, 2010

RE: Proposed ordinance file no. 100103 – (Substitute) [Prohibition on Tobacco Sales Within 1,000 feet of a School]

At our regular meeting of Monday, April 19, 2010, the Youth Commission voted to support proposed ordinance file no. 100103. (It should be noted that on March 1, 2010 the Youth Commission voted to support the original version of this proposed ordinance sponsored by the Mayor.)

Despite the commission's support of this legislative item, however, we urge the members of the Board of Supervisors' City Operations and Neighborhood Services Committee to consider the recommendations in the attached Youth Commission resolution 09-10AL10—Resolution in Support of Proposed Ordinance File No. 100103 with the addition of the Tobacco Use Reduction Force's Amendments, passed by the Youth Commission on April 19, 2010.

Our resolution calls on the Board of Supervisors to amend proposed ordinance file no. 100103 with language that would:

- (1) Establish a 35 store cap for each Supervisorial District which prohibits new stores—or new owners of existing stores—from receiving permits unless there are fewer than 35 permits in the district;
- (2) Remove the exception that allows new owners of stores within 1000 feet of schools to continue to sell tobacco if they are spouses, partners, or children of the previous owner; and
- (3) Allow a one-time exception for a new owner of a store not within 1000 feet of schools to sell tobacco if the new owner is a spouses, partner, or child of the previous owner.

Thank you very much for considering the Youth Commission's position on this important public health issue.

1 [Supporting Mayor's Smoking Legislation with TURF's Amendments]

2 **Resolution in Support of Proposed Ordinance File No. 100103 with the addition of the**
3 **Tobacco Use Reduction Force's Amendments**

4
5 **WHEREAS**, Evidence shows that greater exposure to stores that sell tobacco is strongly
6 linked to higher smoking rates and tobacco related harms; and

7
8 **WHEREAS**, State averages show that tobacco-related death and disease costs the city
9 \$4,310 per smoker, or \$614 per resident, in 2008¹; and

10
11 **WHEREAS**, Research shows that the greater the exposure to stores that sell tobacco, the
12 more likely a neighborhood is at risk for tobacco related death and disease, specifically in low-
13 income communities²; and

14
15 **WHEREAS**, San Francisco residents are not impacted equally by exposure to tobacco retail
16 outlets; and

17
18 **WHEREAS**, Generally, districts with higher proportions of low-income residents and
19 communities of color—particularly African Americans and Latinos—tend to have more tobacco
20 retail outlets in San Francisco³; and

21
22 ¹ In 1999, the economic costs of smoking in California were estimated to be \$475 per resident or \$3,331 per
23 smoker, for a total of nearly \$15.8 billion in smoking-related costs (1999 dollars). Max W, Rice DP, Zhang X,
24 Sung H-Y, Miller L. The Cost of Smoking in California, 1999. Sacramento, CA: California Department of Health
Services, 2002. 2008 Figures derived Consumer Price Index from 1999 compared to 2008. A 1999 dollar is
worth 29% more than a 2008 dollar. <http://minneapolisfed.org/research/data/us/calc/>

25 ² Chuang, J. Effects of neighborhood socioeconomic status and convenience store concentration on individual
level smoking, *J Epidemiol Community Health*, 2005; 59: 568-573

³ For example, District 9 (Mission), whose residents average \$21,000 in yearly income, has more than 44% more
stores selling tobacco per resident than District 2 (Marina), whose residents make \$76,000. GIS Maps, SFDPH

1 **WHEREAS**, Higher exposure to tobacco products results in increased youth smoking rates⁴;
2 and
3

4 **WHEREAS**, Youth have ready access to tobacco in San Francisco. In 2006, a startling 50%
5 of 9th graders or freshmen in the San Francisco Unified School District thought it was "fairly
6 easy" or "very easy" to obtain cigarettes⁵; and
7

8 **WHEREAS**, Student-smoking rates were higher for schools that had tobacco outlets within a
9 thousand feet of the school, a recent California study revealed; and ⁶
10

11 **WHEREAS**, In San Francisco the proportion of tobacco outlets within a thousand feet of
12 schools is above 70% in seven supervisorial districts; and
13

14 **WHEREAS**, Reducing the concentration of tobacco outlets with permits to sell tobacco,
15 particularly in more vulnerable communities, can reduce smoking rates and decrease tobacco
16 related harms; and
17

18 **WHEREAS**, Mayor Newsom introduced legislation in January 2010 to prohibit tobacco sales
19 within 1000 feet of all San Francisco public and private schools; and
20
21

22 ⁴ Novak, S.P., Reardon, S.F. et al, 2006. Retail tobacco outlet density and youth cigarette smoking: a
23 propensity-modeling approach. *Am J. Public Health* 96, 670-676

⁵ San Francisco Unified Technical Report (Grades 9,11,NT); WestEd (California Healthy Kids Survey). Page 92,
Spring 2007. (website)

24 ⁶ See Leatherdale, S. T., Strath, J.M. 2007. Tobacco Retailer Density Surrounding Schools and Cigarette
25 Access Behaviors Among Underage Smoking Students. *Annals of Behavioral Medicine*. 33 vol. 1. Pp. 105-111.,
and (4) Henriksen, L, Feighery, E, 2008. Is adolescent smoking related to the density and proximity of tobacco
outlets and retail cigarette advertising near schools? *Preventive Medicine* 47, 210-214.

1 **WHEREAS**, The Mayor's legislation does not consider communities outside of these zones
2 which currently suffer from high concentrations of stores that sell tobacco, and which could
3 see increases in tobacco retail density as direct result of this legislation; and
4

5 **WHEREAS**, The mechanism to eliminate stores that sell tobacco within school zones has an
6 permanent, perpetual exception for those owners who choose to pass on their stores to
7 spouses, partners, or children; and
8

9 **WHEREAS**, This permanent exception could severely inhibit the impact of the policy, by
10 dramatically slowing the pace at which the number of stores decline; and
11

12 **WHEREAS**, Youth advocates with the Tobacco Use Reduction Force (TURF) have proposed
13 amendments to address these areas of the Mayor's Policy, which include 1) establishing a 35
14 store cap for each Supervisorial District which prohibits new stores—or new owners of
15 existing stores—from receiving permits unless there are fewer than 35 permits in the district;
16 2) Removing the exception that allows new owners of stores within 1000 feet of schools to
17 continue to sell tobacco if they are spouses, partners, or children of the previous owner; and
18 3) allowing a one-time exception for a new owner of a store not within 1000 feet of schools to
19 sell tobacco if the new owner is a spouses, partner, or child of the previous owner; now,
20 therefore, be it
21

22 **RESOLVED**, That in order to protect the health of all San Francisco residents, the San
23 Francisco Youth Commission recommends that the San Francisco Board of Supervisors
24 adopt the Mayor's legislation with the specific TURF amendments detailed above.
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