

# County of Los Angeles

## Changes to County Code Expanding Regulation of Tobacco Retailers

### Informational Session

Led by:



**WELCOME**

**IF YOU DO NOT HEAR SOUND, PLEASE TURN ON  
OR INCREASE YOUR DEVICE'S VOLUME.**



# Agenda

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# ? Background

On September 24, 2019 the County of Los Angeles Board of Supervisors approved an Ordinance creating restrictions on the retail sales of tobacco products and tobacco paraphernalia, and a new Business License requirement.



Hilda L. Solis  
First District



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Second District



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Fourth District



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# Why the new law?

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The Board considered the following:

- Fostering healthy retail environments by requiring a business license for tobacco only retailers.
- Regulating conduct within and surrounding shops to improve neighborhoods, reduce tobacco product use, and foster healthier communities.
- Amending the County’s Tobacco Retail License (TRL) definition of “tobacco product” to include vape shops and e-cigarette retailers to match the State’s definition of tobacco product.
- Regulating the sale of flavored tobacco products as a “best practice” to address the recent surge in youth e-cigarette use. According to the CDC, there were more than 1.5 million more current e-cigarette users in 2018 than 2017.<sup>1</sup>

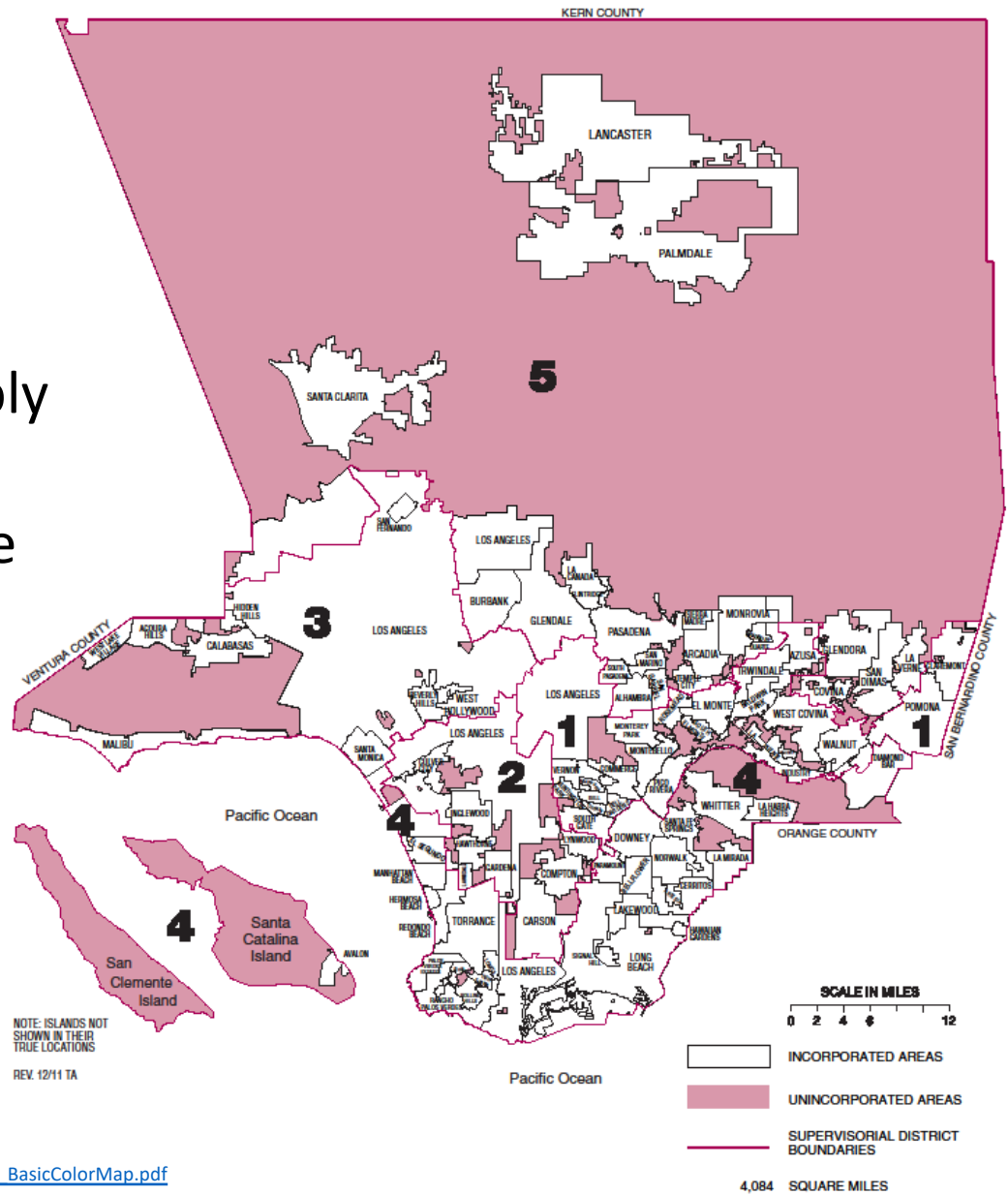
<sup>1</sup>Centers for Disease Control and Prevention. Vital Signs: Tobacco Product Use Among Middle and High School Students-United States 2011-2018. Morbidity and Mortality Weekly Report 2019, 68(06)

# Ordinance Overview

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- 1 Requires certain tobacco retailers to obtain a County business license
- 2 Regulates retailers of electronic tobacco products
- 3 Prohibits the sale of flavored tobacco products
- 4 Prohibits the sale of tobacco products in pharmacies
- 5 Prohibits the sale of little cigars/cigarillos in packages of less than 20 units.

The policy changes only apply to tobacco retailers in **unincorporated areas** of the County.



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# Regional Planning Zoning Compliance





# Location and Land Use

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Where is the proposed business located?

- Unincorporated Los Angeles County
- Allowed in most Commercial and Industrial zones

What are you proposing?

- Tobacco Shop, Hookah Lounge

# How To Obtain Zoning Approval

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Business License Referral - \$421

Is this an existing Tobacco Shop or Hookah Lounge?

- Yes, Approve Business License Referral
- No, Need to Establish the Use on the Property

Establish the Use

- Site Plan Review (Typical Method) - \$904 to \$1,103
- Parking (Tobacco Shop = Retail) (Hookah Lounge = Occ. Load)

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# Treasurer and Tax Collector Business License



# Tobacco Shop Business License

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- Los Angeles County Code Title 7 - Business License
  - Promote the health, safety, and welfare of the public.
  - Regulate conduct and behavior.
- The Treasurer and Tax Collector (TTC) defines “Tobacco Shop” as:
  - Any business with a primary purpose of selling tobacco, tobacco products, and tobacco paraphernalia (including but not limited to cigars, pipe tobacco, electronic cigarettes, vaping devices, and smoking components and accessories).
- Only Tobacco Shops located in the unincorporated areas of LA County are required to obtain a business license.
- The law is already in effect and new businesses are required to submit an application as soon as possible. Existing businesses must apply by May 1, 2020.

# Tobacco Shop Business License Requirements

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For Tobacco Shops, the following three licenses are required in the unincorporated areas of the County:

1) County Business License

- Includes land use approval from the Department of Regional Planning (DRP) and approvals from the Department of Public Works – Building and Safety (B&S) and the Fire Department (Fire),

2) County TRL, and

3) California Department of Tax and Fee Administration License (CDTFA).

# Tobacco Shop Business License Fees

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- Initial business license fee.
  - Includes inspections by B&S, Fire, and TTC.
- Renewal business license fee.
  - Includes approval by TTC only.
- Business license is valid for 2 years and fees are based on cost recovery only.
  - Initial fee: \$778
  - Subsequent fee: \$142
- DRP and TRL fees are not included in the business license fees.

# Tobacco Shop Business License Operating Requirements

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- Use of tobacco, tobacco products, and tobacco paraphernalia, and loitering prohibited on premises (Smokers' Lounges exempt).
- Consuming food or alcoholic beverages, or providing food or alcoholic beverages for consumption on the premises is prohibited.
- Limited advertising on windows (33%).
- Clearly recognizable and readable Tobacco Shop signage.
- No one under the age of 21 is allowed to purchase tobacco or be on the premises of a Tobacco Shop.

# Smokers' Lounges

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- Smoker's Lounge is defined as an enclosed area in or attached to a Tobacco Shop dedicated exclusively to the sale and use of tobacco products.
- Separate business license is not required.
- Sale and consumption of any food or beverage (including alcohol) is prohibited.



# Policy Changes Regulate Behavior Around All Tobacco Retailers

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Specific rules to abate nuisances for all tobacco retailers in all unincorporated areas of the County, such as:

- No loitering
- Exterior lighting

Nuisance abatement applies to all tobacco retailers within the unincorporated areas of the County and does not include buffer zones.

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# Public Health Tobacco Retail License



# County Tobacco Retail License

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## Chapter 11.35 – County Health & Safety Code

- Adopted in 2007 to promote:
  - Health, safety, and general welfare for its residents.
  - Encourage compliance with federal, state, and local laws regulating tobacco sales and use.
  - Discourage the purchase and use of tobacco products by minors.
  - Protect children from being lured into illegal activity through the misconduct of adults.

# County Tobacco Retail License

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- A TRL is required of all tobacco retailers in the unincorporated areas of the County.
- Current annual fee of \$235.
  - Fee is based on cost recovery.
  - Fee covers administration, enforcement and education.
- Updated in 2019 to require a TRL to sell electronic smoking devices (e.g., electronic cigarettes, vapes and other nicotine containing devices).
- Updated in 2019 to prohibit the sale of flavored tobacco products, including menthol.
- Updated in 2019 to prohibit the sale of tobacco products in pharmacies.
- Updated in 2019 to prohibit the sale of little cigars/cigarillos in packages of less than 20 units.

# Electronic Smoking Devices

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As of November 1, 2019, retailers that sell electronic smoking devices and their components must obtain a Tobacco Retail License.

ESDs include, but are not limited to, electronic cigarettes, vapes, pods, mods, e-hookahs, and their component parts.



# Flavored Tobacco Products

The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.

Flavored tobacco products include, but are not limited to, e-juice, vapes, menthol cigarettes, smokeless tobacco, and little cigars and cigarillos.



# Flavored Tobacco Product Examples

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## Flavored Smokeless Tobacco



The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.

# Flavored Tobacco Product Examples

## Menthol Cigarettes



The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.



# Flavored Tobacco Product Examples

## Little Cigars/Cigarillos



The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.

# Flavored Tobacco Product Examples

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## Liquid Nicotine Solution (e-liquids)



The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.

# Flavored Tobacco Product Examples

## Flavored “Pods” for E-cigarettes



The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.

# Flavored Tobacco Product Examples

## Concept Flavors

### *Purple Swish*



#### ***Online description:***

Swisher Sweets Purple Swish is a combination of raspberry and grape.

### *Andromeda*



#### ***Online description:***

Andromeda is a blend of pomegranate and wild blueberry flavors.

**The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.**

# Minimum Pack Size: Little Cigars

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- Little cigars or cigarillos must be sold in a package of at least 20
  - Must come in original manufacturer's packaging
  - No bundling smaller packs to create a 20 pack



**The prohibition on sales of flavored tobacco products and menthol cigarettes begins May 1, 2020.**

# Pharmacies

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- Pharmacies that have an existing Tobacco Retail Licenses may continue to sell tobacco products and tobacco paraphernalia until their Tobacco Retail License expires.
- Pharmacies that sell flavored tobacco products will no longer be able to sell them as of May 1, 2020.
- No pharmacies will be able to sell tobacco products and tobacco paraphernalia after June 30, 2020.

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# Resources



LOS ANGELES COUNTY  
**CONSUMER &  
BUSINESS AFFAIRS**



# Existing County Services for Businesses

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## Small Business Concierge

*Permit application, funding sources, business counseling, etc.*



## Workforce Development and Talent Management

*Helps businesses search for and located new qualified workers; Find tax credits when hiring eligible employees*



## Business Retention & Layoff Aversion

*Helps businesses prevent layoffs; Stay afloat if they need to downsize, or helps employees find new opportunities*



# Existing County Services for Businesses (Cont.)

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## Minimum Wage Compliance

*Helps businesses comply with minimum wage laws and educate businesses on employee rights*



## Small Business Programs

*Workshops on how to successfully open a business in LA County;  
Enhances opportunities for small businesses*



LOS ANGELES COUNTY  
**CONSUMER &  
BUSINESS AFFAIRS**

## Business assistance:

Website: <http://dcba.lacounty.gov>

Email: [Concierge@dcba.lacounty.gov](mailto:Concierge@dcba.lacounty.gov)

Call: 323-260-2480

# More Information/ Questions

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## Tobacco Control and Prevention Program

- Website: <http://lapublichealth.org/tob/>
- E-mail: [tobacco1@ph.lacounty.gov](mailto:tobacco1@ph.lacounty.gov)
- Phone: (213) 351-7890