

10-DAY REPORT ON THE CITY OF SANTA CLARITA'S MORATORIUM ON ESTABLISHMENT OF NEW TOBACCO RETAILERS SELLING FLAVORED TOBACCO

BACKGROUND

On October 8, 2019, pursuant to Government Code section 65858, the City Council of the City of Santa Clarita enacted Ordinance No. 19-7 as an urgency measure imposing a 45-day moratorium on the establishment of new tobacco retailers selling flavored tobacco products. The ordinance was adopted in response to the County of Los Angeles adopting an ordinance on October 1, 2019, that prohibited the retail sales of flavored tobacco products in County unincorporated areas, based upon health concerns impacting youth utilizing such products.

In order for the City of Santa Clarita to have time to study the issues without allowing a proliferation of businesses that may wish to relocate to the City from the County as a result of the County's regulation, the City Council adopted the moratorium to preserve the status quo.

Government Code section 65858 allows an initial 45-day moratorium to be extended for up to 10 months and 15 days after a noticed public hearing is held. A public hearing has been scheduled to consider such an extension for November 12, 2019. If extended, the new expiration date would be October 7, 2020. As required by Government Code section 65858(d), the City must produce a report 10 days prior to extending a moratorium that describes the measures taken since the adoption of the urgency ordinance.

UPDATE ON THE MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION OF THE URGENCY ORDINANCE

1. The City is currently considering its options for regulating the sale of flavored tobacco. With regard to such products, the City must evaluate the extent to which it wants to regulate such sales, the health effects of such products, and the most effective means to regulate such businesses to limit the exposure of persons under the age of 21 to such substances.
2. City staff has made preliminary outreach to the Los Angeles County Sheriffs, the Los Angeles County business licensing officials and to Los Angeles County health department officials involved in the licensing of tobacco retail businesses. Discussions and research are underway to identify current enforcement and health impact issues in the City of Santa Clarita, as well as to explore options for partnering with the County should the City wish to adopt or participate in the licensing program adopted by the County Board of Supervisors on October 1, 2019.
3. City staff is also monitoring State legislative efforts involving the sale and use of flavored tobacco products, as well as pending and ongoing Federal regulatory efforts.
4. The adoption of a comprehensive ordinance that includes: 1) limits on the types of products that can be sold, 2) licensing and enforcement, 3) compliance with currently evolving State and Federal laws and regulations, while taking into account the impacts on residents, youth,

and businesses will take time and careful consideration and will require input from various community stakeholders and the general public. There has been insufficient time since the adoption of the County's ordinance and the October 8, 2019, City Council adopted moratorium to complete this process. The City, therefore, needs additional time, as allowed under Government Code section 65858, to fully address the conditions that led to the adoption of Ordinance No. 19-7.