



SAN FRANCISCO RETAIL TOBACCO PERMIT & ENFORCEMENT: SF PUBLIC HEALTH COMMISSION UPDATE



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Environmental Health Branch
Tobacco & Smoking Program
January 18, 2022



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SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Presentation Overview

- Tobacco Regulations in SF
- Permit Density and Map
- Enforcement Process & Stories from the field
- Current and Future Tobacco & Smoking Program Goals



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San Francisco Tobacco Retail Policies



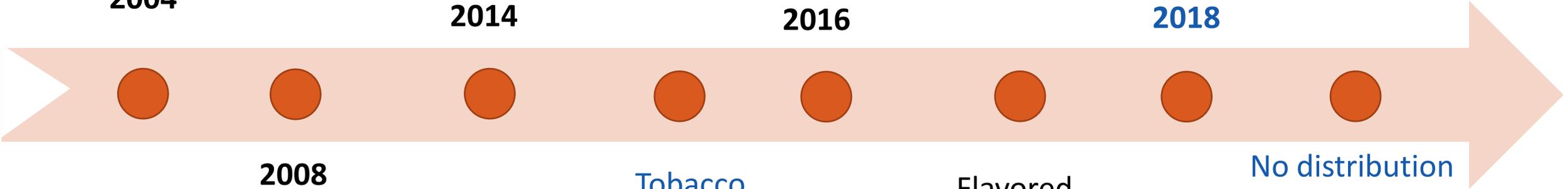
Tobacco Products –
Permitting Begins
2004

E-cigarettes
defined as a
Tobacco
Product
2014



No Tobacco
Sales to 18, 19,
or 20 years old
2016

Flavored Tobacco
Product Ban
Enforcement
Roll-out
2018



2008
No Tobacco
Products Sales in
Pharmacies

Tobacco
Permits
Density Cap
2015

Flavored
Tobacco
Product Ban
2017

No distribution
of flavored
tobacco
products; and
No sales of e-
cigarettes
without FDA pre-
market approval
2019

To **help** a persistent cough go to aisle 8.



To **get** a persistent cough go to aisle 14.



Health Equity

Tobacco Use, Access, & Audience



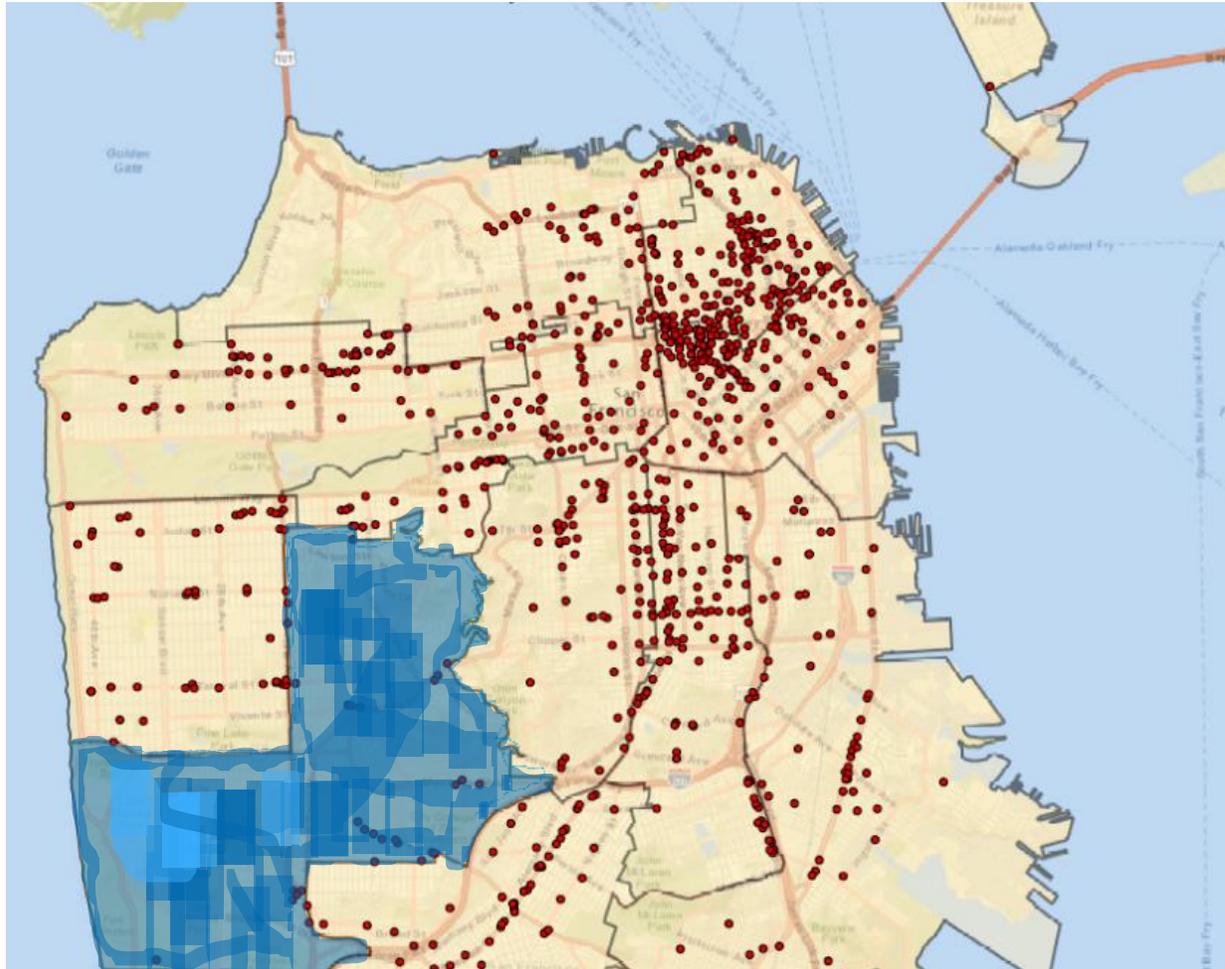
- 20% of San Francisco High Schoolers have ever used any tobacco product and 8.2% currently use tobacco.*
- 65.2% of California students think it's easy to obtain vape products
- Student/youth choice is to use vape products – ↑ nicotine rates



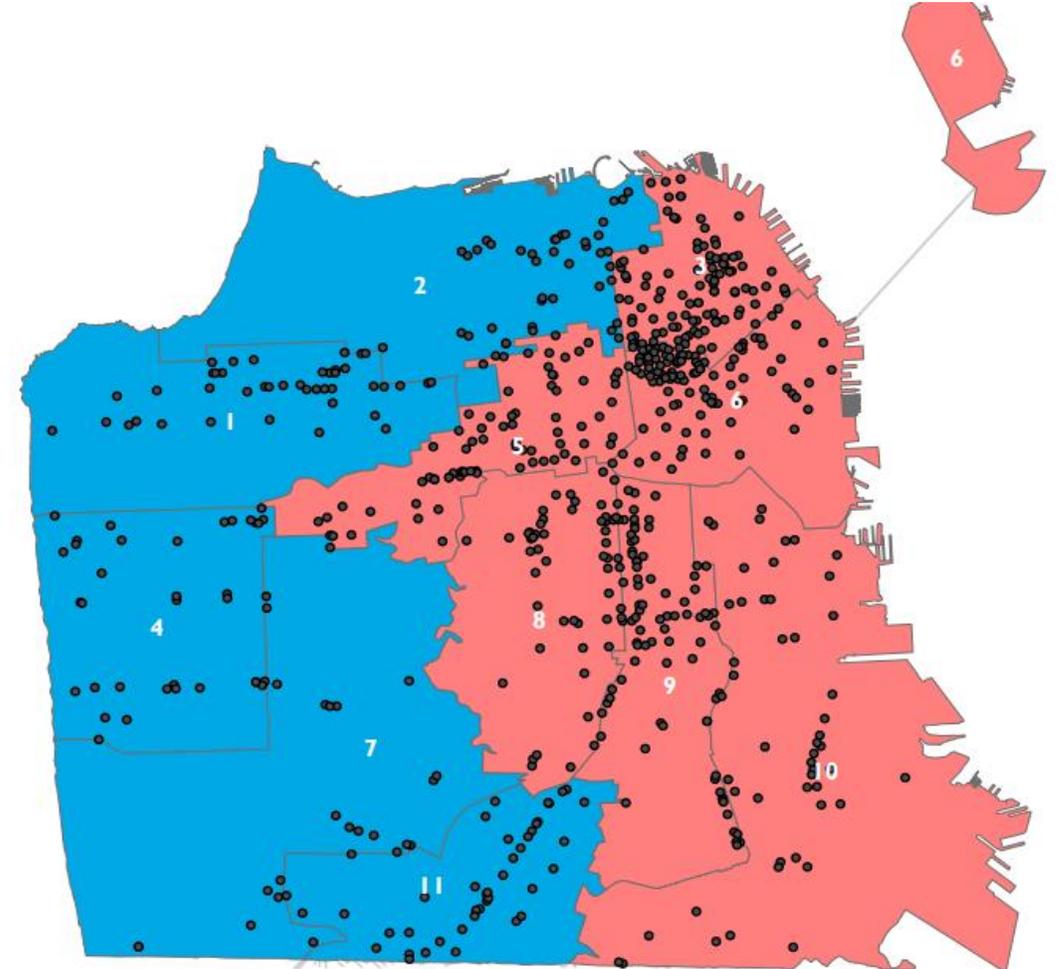
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San Francisco Tobacco Retail Permit Density

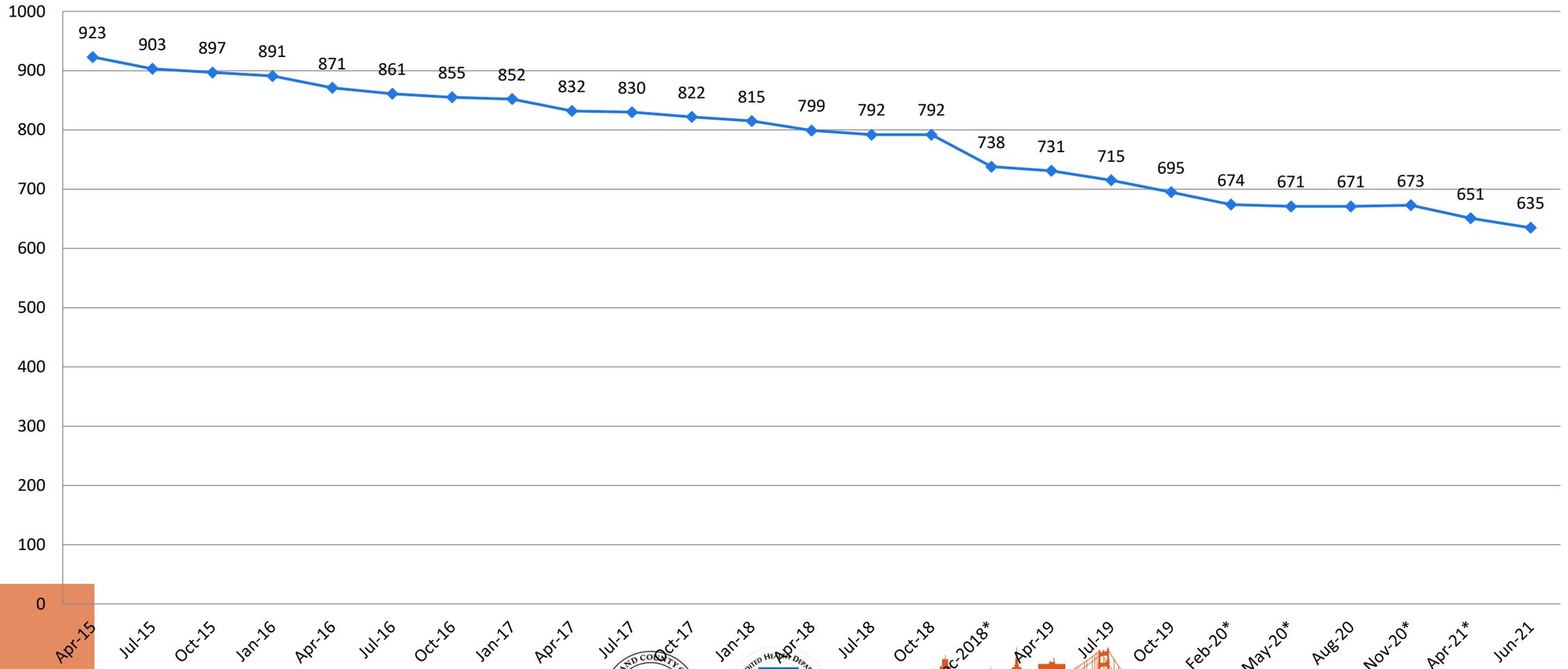
2014



2021

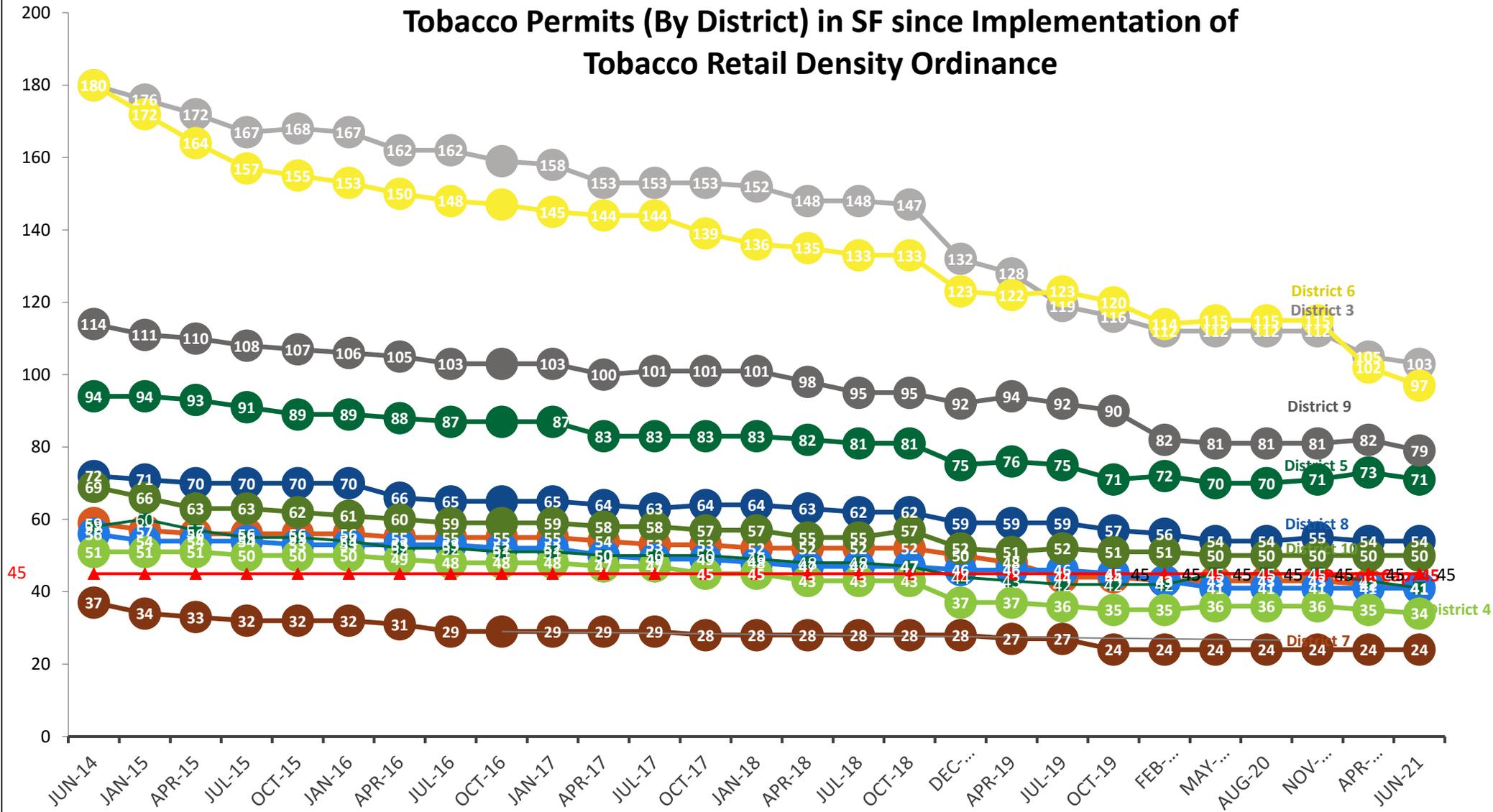


Total Tobacco Permits in SF since Implementation of Tobacco Retail Density Ordinance



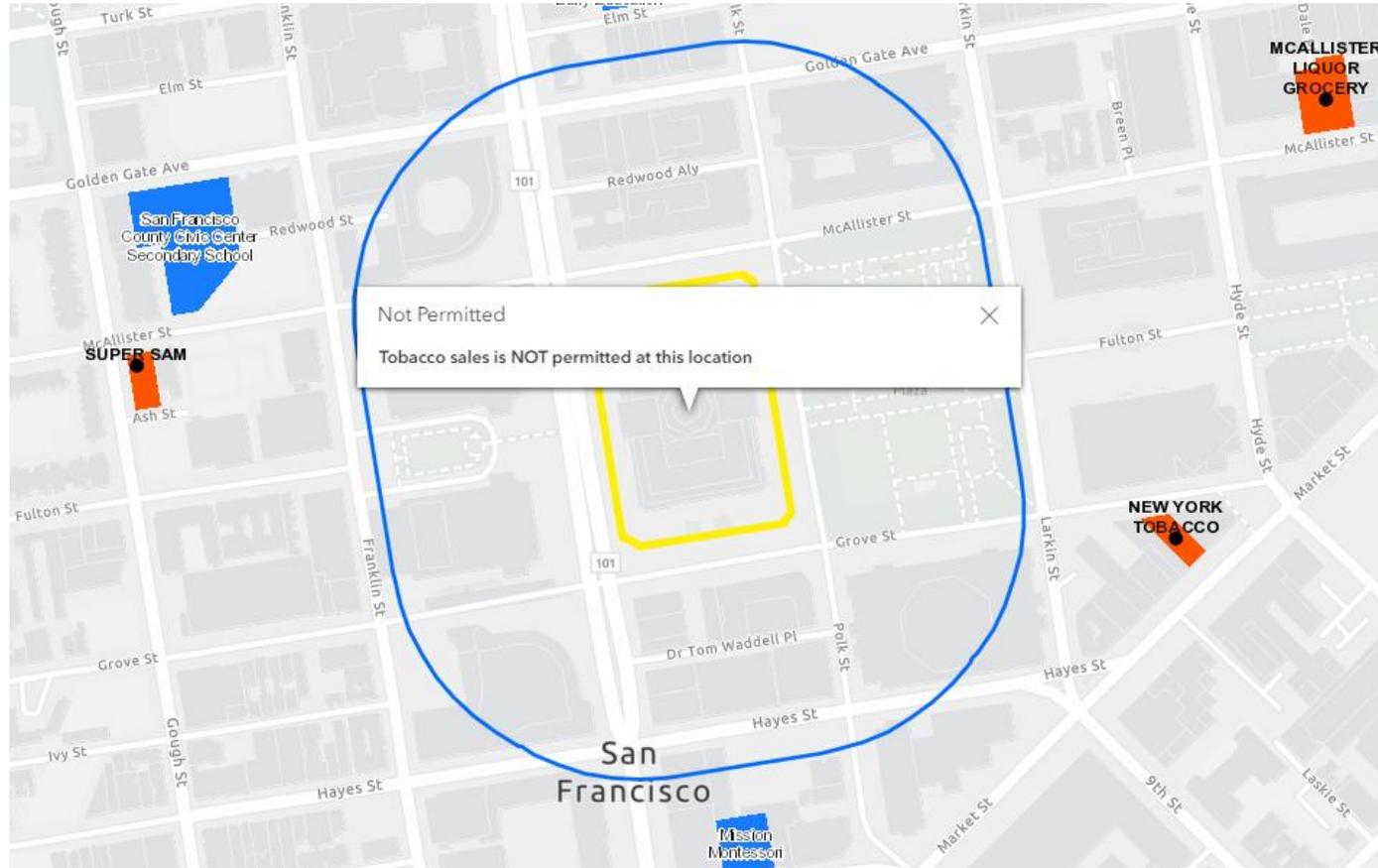
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Tobacco Permits (By District) in SF since Implementation of Tobacco Retail Density Ordinance



Tobacco Density Map

<https://sfplanninggis.org/tobacopermits/>



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Tobacco 21 Enforcement Process

Sales to Persons Under 21 Years of Age

PERMIT Suspension Reduction Opportunity

- Install scanner or other age verification device (-5 days)
- Remove all visible tobacco product advertisements (-10 days)
- Install permanent opaque covering over all tobacco products (-10 days)
- Conduct employee retail tobacco training (-5 days)



Enforcement Process

- 1st time violation - 72 hours to remove product from shelf
- 2nd and any subsequent violation – Permit Suspension



E-Cigarettes & Flavored Tobacco/Nicotine Restrictions

STOP
January 29, 2020
STOP

WHAT: Stop direct and online sales/distribution of e-cigarettes without FDA Marketing Orders and flavored tobacco/nicotine products, including flavored e-cigarettes, to anyone in San Francisco.

WHEN: Effective **January 29, 2020** stop selling or distributing restricted tobacco products.

HOW: To determine what e-cigarette products are approved for sale

1. Visit <https://www.sfdph.org/ecigs>
2. Text (415) 226-9564
3. Email EHB-TobaccoProgram@sfdph.org

- 1st time violation – Affidavit to recall products at all SF sales locations
- For 2nd and any subsequent violation – administrative citation and referral to the City Attorney’s Office





Retail Sales Ban: Flavored Tobacco Products



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Where are the flavored tobacco products?





2019/08/14 13:07



2019/08



Distribution Ban: Flavored Tobacco Products and E- cigarettes without FDA Pre-market Approval



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Core-Mark

SHIP 148957 TO [REDACTED] 304 CORE-MARK INTERNATIONAL, INC
 REMIT TO: 31300 MEDALLION DRIVE HAYWARD CA 94544 510 487-3000
 TAX ID [REDACTED] CAL TOB LICENSE LDQET [REDACTED]

BILL TO [REDACTED] INVOICE NO. 007 0400380
 DATE 2021-02-09

TRUCK	STOP	PO NUMBER	SALES PERSON	CUST. PHONE NO.	DUNS NO.	TERMS				
220	0080				97078307	NET 3 DAYS PAD				
ITEM	UPC	QUANTITY	DESCRIPTION	PACKING	SUGG RETAIL	KEY	GP%	RETAIL EXT	SELLING PRICE	EX
1	460706	10 EA	TREE FRSHNR TRUE NORTH	2 PK			49.5		1.41	
2		84	** COMMODITY TOTAL				58.7			
3			HBC ***							
4	928424	3 BX	C/VALET COMB MENS 1137	6 CT			52.9		2.80	
5	929349	1 BX	C/VALET NAIL CLFR/FILE/KEY CHN	6 CT			3.9		5.71	
6	415201	3 EA	LIL D VP MOUTHWASH	250 ML			51.7		1.30	
7	070490	6 EA	TROJAN CONDOM MAGNUM LUBRICATED	3 CT			50.8		1.62	
8	244053	3 EA	VICKS VAPORUB 50G 000200779	1.76Z			26.1		4.06	
9		16	** COMMODITY TOTAL				41.3			
10			CIGARS ***							
11	698860	7 BX	BACKWOODS ORIGINAL	8/5			42.1		41.64	
12			DUE TO VENDOR SUPPLY							
13			ISSUES THIS ITEM IS							
14			TEMPORARILY OUT OF STOCK							
15			WITH NO KNOWN ETA. PLEASE							
16			CONTINUE TO ORDER							
17	698852	2 BX	BACKWOODS SWEET AROMATIC	8/5			42.1		41.64	
18	105809	3 BX	BLK+MLD	25			44.9		26.06	
19	764377	2 BX	BLK+MLD ORIG WT	25			39.4		28.65	
20	770404	8 BX	SWISHER SWEET CIGARILLOS	20/5			45.0		54.94	
21	461341	8 BX	SWISHER SWT CIGRLO DIAMND	30/2			56.5		26.37	
22	461341	1 BX	SWISHER SWT CIGRLO SWT	30/2			56.5		26.37	
23	476301	1 BX	SWISHER SWT LF CIGRLO ORIG	10/3			53.4		22.60	
24		25	** COMMODITY TOTAL				47.7			
25			TOBACCO ***							
26	371575	4 RL	COPENHAGEN POUCH	5/TIN			20.6		30.14	
27	572990	2 RL	SKOAL LC CLASSIC 0000000000	5/TIN			15.6		30.14	

CARTONS	CIG TAX	NO OF LABELS	TAXABLE	NON TAXABLE	GROCERIES	NON GROCERIES	ALLOWANCES	INVOICE TOTAL

SPECIAL INSTRUCTIONS: [REDACTED]

TOTAL RETAIL: [REDACTED] GROSS PROFIT: [REDACTED]
 TOTES IN: [REDACTED] TOTES OUT: [REDACTED]

*KEY N=NEW ITEM
 A=PRICE ADVANCE
 D=PRICE DECREASE

CUSTOMER AUTHORIZED SIGNATURE: [REDACTED]

ACCEPTANCE OF THE ABOVE LISTED MERCHANDISE CONSTITUTES AN AGREEMENT TO PAY WITHIN TERMS. FAILURE TO PAY ON TIME WILL RESULT IN A SERVICE CHARGE OF 1.5% PER MONTH ON ALL PAST-DUE AMOUNTS PLUS ALL COLLECTION COSTS INCLUDING ATTORNEY'S FEES.

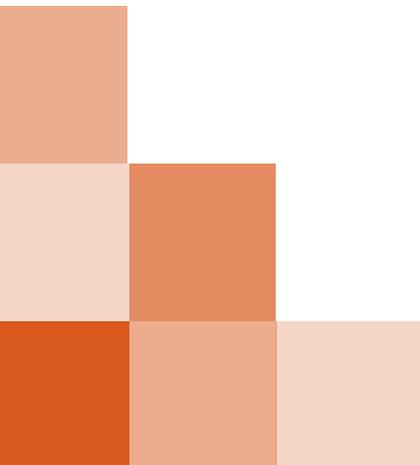
PLEASE PAY THIS AMOUNT [REDACTED]

2021/02/09 13:00

- ALL CLAIMS FOR SHORTAGES MUST BE REPORTED WITHIN 24 HOURS. NOT RESPONSIBLE THEREAFTER -

THIS INVOICE MUST BE PAID BY:

ON LTH



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7/2022



"ZYN Tobacco-Free Nicotine Pouches"



- **Challenges:**
 - Wholesale distribution of flavored tobacco to retailers in SF.
 - Manufacturers working to conceal flavored tobacco products as seen in their packaging above.
 - Tobacco retailer confusion on what is a Tobacco Product.
 - Selling flavored tobacco products and unapproved e-cigarettes under the table (complaints).

Next Step: Community Partnership



“Look at the big picture - you’ve gotten 90% of flavored tobacco products off the shelf...”

– SF Deputy City Attorney





THANK YOU!



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Design by Mehroz Baig v. 2017-4-14



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