



CITY OF HUNTINGTON BEACH

City Council Meeting – Council Member Items Report

To: City Council
From: Casey McKeon, Council Member
Date: September 3, 2024
Subject: **Establish Tobacco Retailer Regulations**

ISSUE STATEMENT

Tobacco use is the most preventable cause of disease, disability, and death in the United States; nearly one in five deaths in the U.S. can be attributed to cigarette smoking. Statistics show that tobacco product use is started and established primarily during adolescence. In 2023, 10 percent of middle and high school students reported current tobacco product use. E-cigarettes remained the most used tobacco product among youths. Among middle school and high school students who currently use e-cigarettes, 25.2 percent used e-cigarettes daily, and 89.4 percent used flavored e-cigarettes. The density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates. Studies further show that 41 percent of U.S. teens lived within .5 mile of a tobacco retailer and 44 percent attended schools within 1,000 feet of a tobacco retailer. Frequent exposure to tobacco retail displays has also been associated with increased smoking initiation among youth and negative impact on tobacco quit attempts.

To reduce illegal sales of tobacco products to minors, California has recently passed policies to further regulate the sale of tobacco in the retail environment. Many cities and counties have passed additional policies to implement state laws and regulations. Some jurisdictions have placed restrictions on what retailers can and cannot sell and where retailers can be located in order to counter efforts to attract new (younger) customers. Several residents have reached out to me expressing concern over the proliferation and cluster of tobacco retailers, especially near youth populated areas.

The Huntington Beach Zoning and Subdivision Ordinance (HBZSO) does not explicitly identify tobacco retailers (including smoke or tobacco shops) within the land use tables in the City's zoning districts; therefore, these uses may be permitted as general retail uses which are allowed by right. In light of the above statistics, the City should adopt an ordinance to regulate these uses by:

- Defining the uses to be regulated
 - Define "tobacco retailers"
 - Define "tobacco product or paraphernalia"
 - Define "youth-populated area"

- Establishing minimum zoning standards for the land uses
 - Prohibit new tobacco retailers at any location exclusively zoned for residential use
 - Prohibit new tobacco retailers within a certain distance of youth-populated areas, including schools
 - Establishing minimum distance requirements between tobacco retailers

RECOMMENDED ACTION

Direct the City Manager to work with the City Attorney to prepare an Ordinance for introduction at a future City Council Meeting to amend the HBZSO to establish regulations for tobacco retailers Citywide.

ENVIRONMENTAL STATUS

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has not potential for resulting in physical change to the environment, directly or indirectly.

STRATEGIC PLAN GOAL

Non Applicable - Administrative Item