








Attachment 7 – Summary of CVMC 5.56 Tobacco Retailer Policy Areas

<i>Policy Options for Discussion to Reduce the Number of Tobacco Retailers</i>				
Focus Area	Current Law	Community Input	HWAC Advisory Recommendation	Policy for Council Discussion
<b>Restrict Type of Retailer</b>	No current law in place.	No specific comments were received from community members regarding limiting specific retailer types from selling tobacco products.  Focus on the "bad actors".	Commission noted the City’s leadership in tobacco control and recommended <b>prohibiting pharmacies from selling tobacco products.</b>	Consider prohibiting <b>pharmacies</b> from obtaining a Tobacco Retailer Permit.  Consider restricting <b>smoke shops</b> as permitted tobacco retailers due to higher violation rates identified during compliance inspections.
<b>Set Maximum Caps on Permit Issuance</b>	No current law in place.	Concerns were raised about the <b>concentration of tobacco retailers in certain areas of the City</b> , particularly western Chula Vista.	HWAC did not take a position and <b>deferred to City Council</b> regarding potential permit caps by Council District or retailer density.	Consider establishing a <b>maximum number of tobacco retailer permits citywide &amp;/or by geographic area</b> based on population thresholds or Council District boundaries.  Consider regulations to establish permit caps and issuance criteria.
<b>Permit Proximity Buffers</b>	No current law in place.	Community members raised concerns about the <b>concentration of tobacco retailers in western Chula Vista.</b>	Prohibit new tobacco retailer permits within <b>1,000 feet of another permit.</b>  Apply the restriction to <b>new permits and existing</b>	Consider establishing <b>minimum distance requirements between tobacco retailers.</b>

		Consider future growth and tourism.	<p><b>permits seeking relocation</b>, while <b>providing a “legacy” status to existing retailers</b> currently operating within the 1,000-foot buffer.</p> <p>Allow permit transfer to new qualified applicants at the same location.</p>	Should restrictions apply to existing businesses?
<b>Sensitive Locations</b>	No current law in place.	<p>Community members raised concerns about <b>proximity to schools, parks, and other youth-serving locations</b>.</p> <p>Consider “legacy” status for businesses that existed prior to sensitive location.</p>	<p>Prohibit new tobacco retailer permits within <b>1,000 feet of sensitive locations</b> (schools grades K-12, parks, and major transit stops).</p> <p>Apply the restriction to <b>new permits and existing permits seeking relocation</b>, while <b>providing a “legacy” status to existing retailers</b> currently operating within the 1,000-foot buffer.</p> <p>Allow permit transfer to new qualified applicants at the same location.</p>	<p>Consider establishing <b>minimum distance requirements around sensitive locations</b>.</p> <p>Should restrictions apply to existing businesses?</p>
<b>Transfer of Retail Permits</b>	<b>CVMC Section 5.56.060 - Permits Nontransferable</b>	Retailers expressed interest in a pathway to sell their business with ‘assurance’ that	Establish a conditional approval process allowing prospective	<i>Guidance for business owners on the City website</i>

	<p>Permits are currently non-transferable.</p>	<p>a potential buyer could qualify for a tobacco retailer permit.</p>	<p>buyers to obtain pre-approval for a tobacco retailer permit prior to business ownership transfer.</p>	<p><i>regarding the tobacco retailer permit process.</i></p> <p>Consider amendments to <b>CVMC Chapter 5.56.060</b> to allow a conditional permit <b>pre-approval</b> process for prospective buyers.</p> <p>Determine if existing businesses should have a “<b>legacy</b>” status for transfers.</p>
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Staff Recommendations to Strengthen CVMC Chapter 5.56				
Focus Area	Current Law	Community Input	HWAC Advisory Recommendation	Staff Recommendation
<b>Compliance</b>	<p><b>CVMC Chapter 5.56.100 - Compliance Monitoring</b></p> <p>Tobacco retailers <u>shall</u> be inspected <b>at least once every 24 months</b> to ensure compliance with tobacco retailer permit requirements.</p>	<p>Community members and retailers expressed confusion regarding <b>state inspections versus local compliance inspections</b> and the roles of different enforcement agencies.</p>	<p>Retain the current inspection frequency of <b>one inspection every 24 months</b>, unless violations are identified.</p> <p>Consider expanding compliance inspections to <b>additional City departments</b> to support enforcement efforts.</p>	<p><i>Additional resources being considered for SIU to assist with administration.</i></p> <p>Authorize <b>other departments to assist with inspections.</b></p> <p>Require permit review before renewal rather than <b>automatic renewal.</b></p>
<b>Administrative Citations</b>	<p><b>CVMC Chapter 1.41.100 - Administrative Citations</b></p> <p>Progressive within 12-month period:</p> <p>\$100 </p> <p>\$200 </p> <p>\$500 </p>	<p>Community members expressed that financial penalties should act as a meaningful deterrent, particularly for repeat violators.</p> <p>Expressed 60 months is too long.</p>	<p>Increase penalties for violations while retaining the cumulative timeframe at 60 months.</p>	<p>Establish <b>higher administrative fines for tobacco-related violations</b>, particularly for repeat or serious violations.</p>
<b>Civil Penalties</b>	<p><b>CVMC Chapter 5.56.120 - Violations and Penalties</b></p> <p>Violations of the Tobacco Retailer Permit ordinance may result in <b>civil penalties of up to</b></p>	<p>Interest in distinguishing between <b>minor and major violations</b> within the penalty structure.</p>	<p>Maintain the current civil penalty structure and maximum penalty amounts.</p>	<p>Allow for a more graduated penalty structure that <b>distinguishes between minor and major violations.</b></p> <p>Explore <b>higher penalties or enhanced enforcement</b></p>

	<p><b>\$2,500 for each and every offense</b>, in addition to permit suspension or revocation.</p>			<p><b>tools</b> for repeat or long-term <b>violators who do not respond</b> to lower-level interventions.</p> <p>Explore setting a <b>maximum cap with flexibility based on the severity of the violation.</b></p>
<p><b>Suspension &amp; Revocation</b></p>	<p><b>CVMC Chapter 5.56.110 - Suspension &amp; Revocation</b></p> <p>Violation Escalation Structure within 60-month period:</p> <ul style="list-style-type: none"> <li> <b>Warning</b></li> <li> <b>90-day Suspension</b></li> <li> <b>1-year Suspension</b></li> <li> <b>Revocation</b></li> </ul>	<p>Stakeholders expressed interest in ensuring the violation and penalty structure is <b>consistent with other regulatory programs</b> and provides clear accountability for repeated violations.</p>	<p>Reduce the cumulative violation timeframe to <b>48 months</b> and include <b>one warning</b> before suspension penalties.</p> <p>Provide discretion to the <b>Police Chief</b> to deny, modify, suspend, or revoke permits based on violations, with the right to request an administrative hearing to appeal the decision.</p> <p>Clarify the types of violations associated with each enforcement penalty.</p>	<p>Clarify enforcement authority for violations by <b>owners, permittees, or employees.</b></p> <p>Allow the City to <b>impose conditions or restrictions</b> based on violations.</p> <p>Establish a <b>clear process</b> for written notice of violation and intent to <b>deny, modify, suspend, or revoke a permit.</b></p> <p>Maintain the right to request an <b>administrative hearing to appeal</b> enforcement decisions.</p>
<p><b>Unflavored Tobacco List</b></p>	<p><b>CVMC 5.56.095 - Sale of Certain Items Prohibited</b></p> <p>Defines <b>flavored tobacco products</b> and prohibits</p>	<p>Community members expressed interest in <b>aligning local definitions with state law</b> to reduce confusion</p>	<p><b>No formal recommendation adopted.</b></p>	<p>Adopt the <b>State Unflavored Tobacco List (UTL).</b></p> <p>Incorporating the UTL into local ordinance would</p>

	their sale in accordance with state law.	and ensure consistent enforcement.	The Commission deferred to City Council for policy direction.	allow <b>local enforcement authority</b> rather than relying solely on state enforcement.
<b>Marketing to Youth</b>	<b>CVMC Section 5.56.090</b>  Defines prohibited advertising.	Some retailers use colorful or highly visible signage that may <b>appeal to youth</b> .	Further <b>restrict both outdoor and window advertising</b> to reduce youth exposure.	Further restrict <b>street-facing and window advertising</b> .  Options may include limits on advertising visibility, youth-appealing imagery, or window coverage.
<b>Employee Training</b>	Tobacco <b>retailer permit holder</b> signs a <b>Statement of Understanding</b> acknowledging compliance with tobacco sales laws.	Retailers expressed interest in additional <b>employee education and tools</b> to help ensure staff comply with tobacco sales laws and prevent violations.	Require <b>employees</b> who sell tobacco products to sign a <b>Statement of Understanding</b> acknowledging tobacco sales laws and retailer responsibilities.  Return to HWAC to further discuss employee education and training options.	Require <b>employees</b> who sell tobacco products to sign a <b>Statement of Understanding</b> acknowledging tobacco sales laws and retailer responsibilities.