

Elements of a Strong Policy:

Restricting the Sale of Flavored Tobacco and Establishing a Tobacco Retail License

The American Heart Association (AHA) recommends the following elements be included in a policy to restrict the sale of flavored tobacco and establish a tobacco retail license. A strong and comprehensive tobacco control policy can help reduce youth usage of tobacco.

Restricting the Sale of Flavored Tobacco: Key Considerations

- All tobacco products, including e-cigarettes, and all characterizing flavors, including menthol, should be included.
- Penalties for sale should be levied on the owner/operator of the retail establishment.
- There should be no penalty for purchase, use, or possession of a tobacco product.
- An evaluation component to assess the policy's effectiveness is preferred.

Establishing a Tobacco Retail License: Key Considerations

- There should be an annual retail license fee, paid by all tobacco retailers, that is high enough to cover the cost of enforcement and compliance.
- The process by which the tobacco retailer applies for licensure must be specified.
- There should be a minimum of one compliance check for violations of minimum legal sales age laws per year, with a recheck for violations within a specified time period, such as three months.
- Tobacco retail establishments should be required to comply with any and all federal, state and local laws, and subject to relevant fines or penalties for violations.
- For violations of the minimum legal sales age, penalties should include an escalating monetary penalty paid by the store or business owner. Suspensions and license revocation should also be part of the structure, with a minimum of 15-day suspension by the third violation. Licenses should be revoked by the fourth violation in a time period of at a minimum two years.
- Penalties for sale should be levied on the owner/operator of the retail establishment.
- There should be a penalty for selling tobacco products without a license.
- There should be no penalty for purchase, use, or possession of a tobacco product.
- Licensure for electronic smoking devices should meet all of the same requirements as licensure for tobacco products.
- Additional restrictions, such as on retail advertising and minimum distances from youth-oriented facilities are preferred.

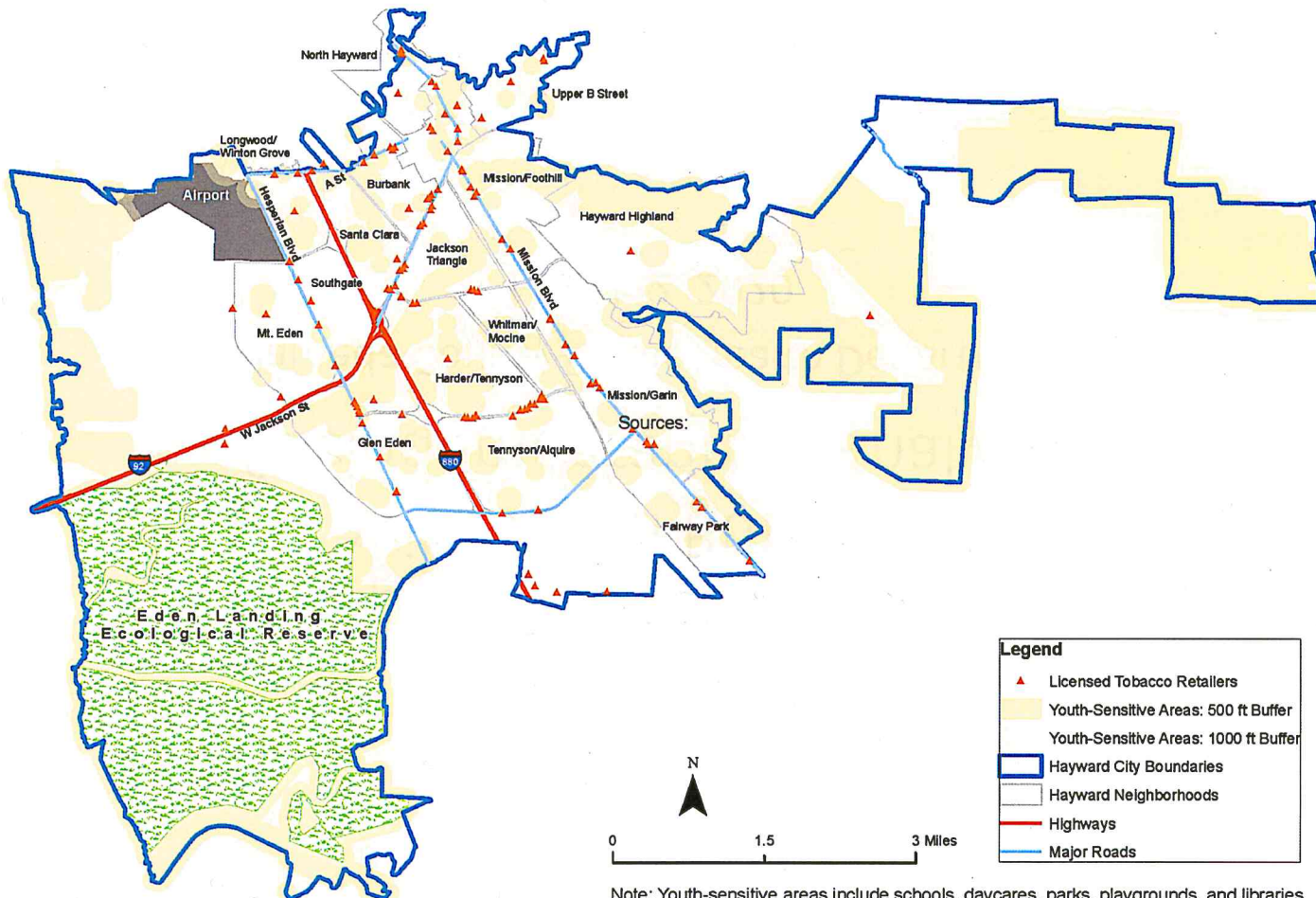
For more information on how to build a strong and comprehensive policy, see Change Lab Solution's *Comprehensive Tobacco Retailer Licensing Ordinance*. The AHA is also available for technical assistance. Contact Blythe Young, Community Advocacy Director for the Greater Bay Area Division of the AHA, at blythe.young@heart.org for further support.

Hayward

Maps of Tobacco Retailers with Youth Buffers & Sociodemographics Analysis

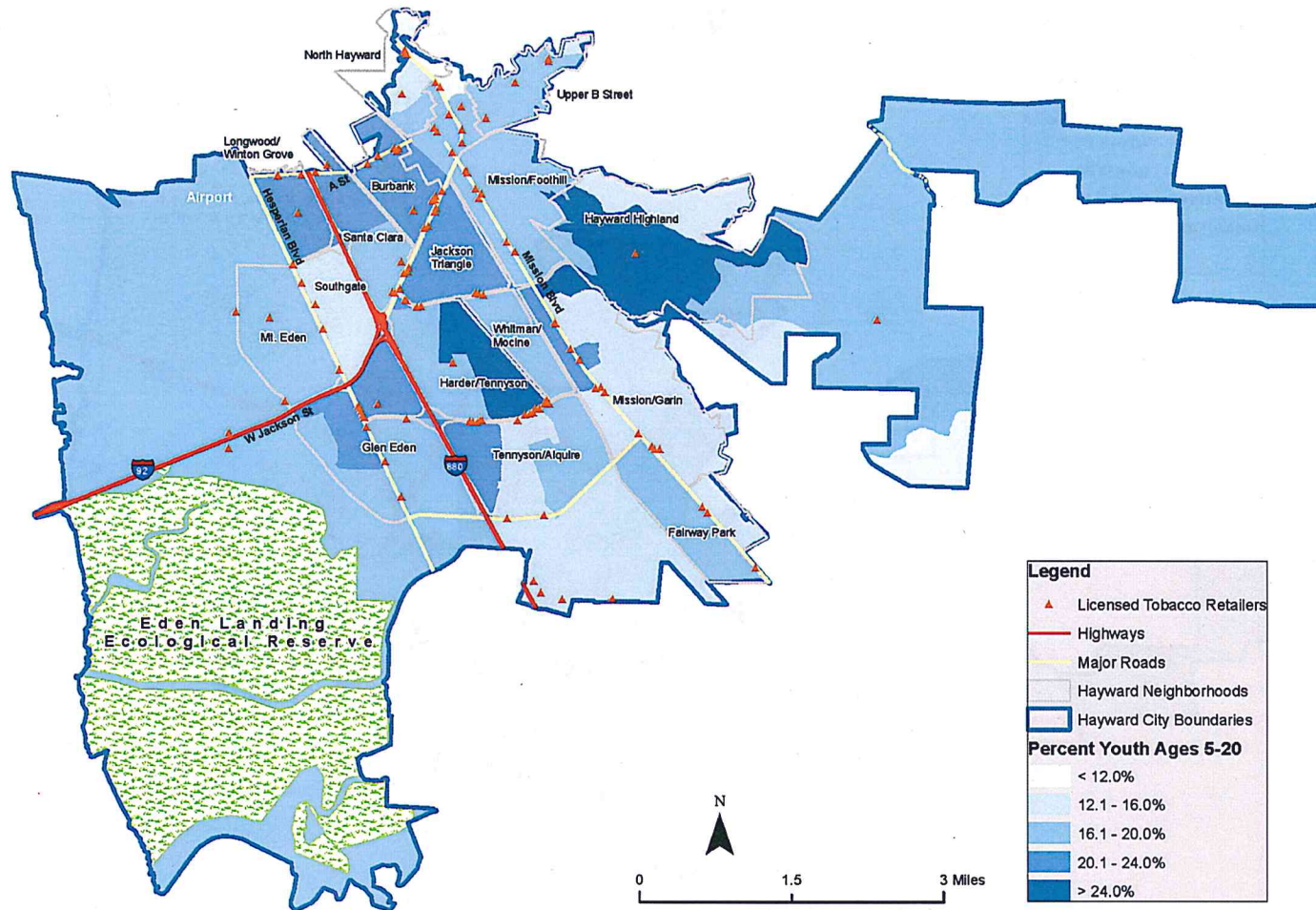
Alameda County Public Health Department
March 2, 2020

Tobacco Retailers and their Proximity to Youth-Sensitive Areas Hayward, CA



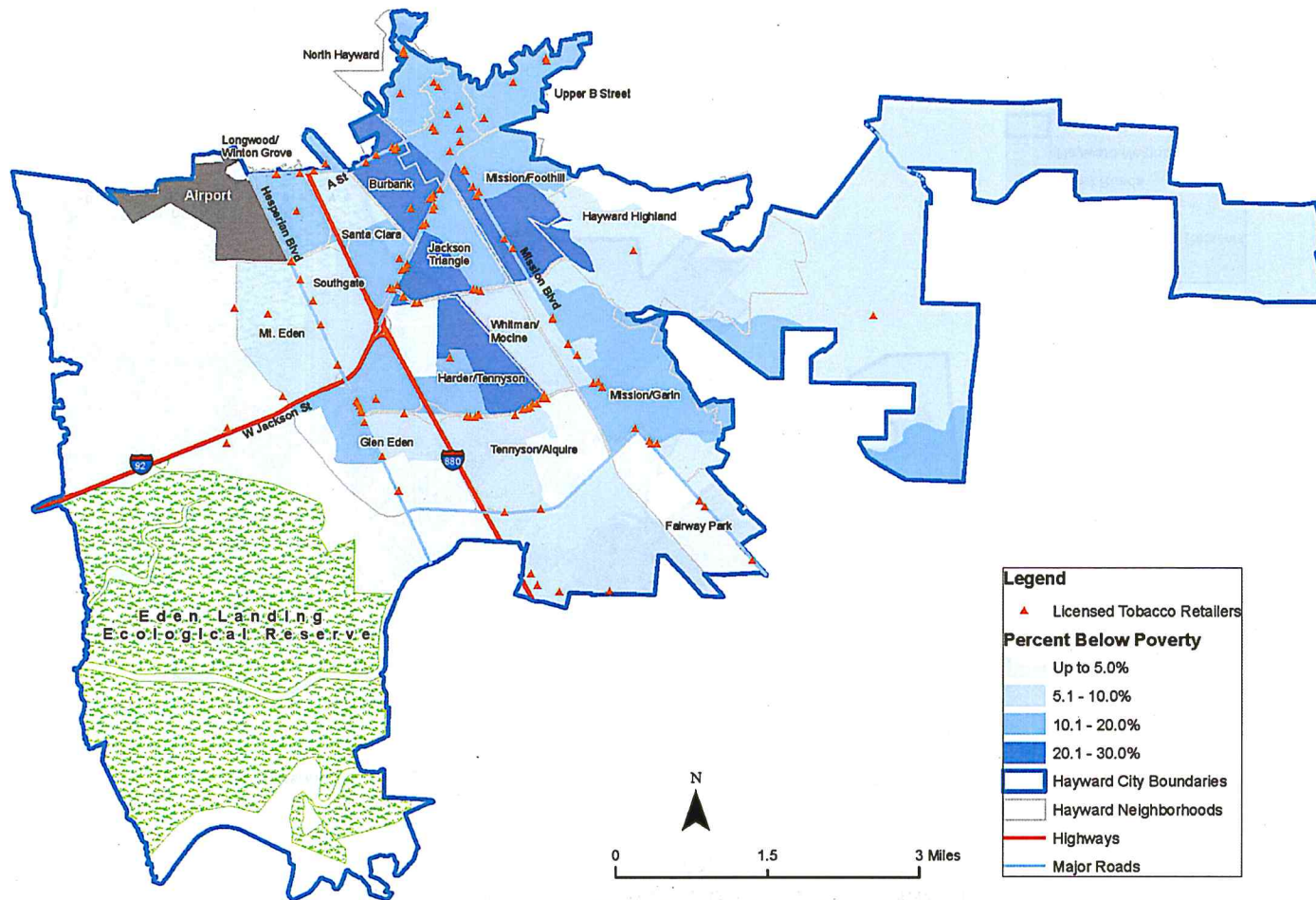
Note: Youth-sensitive areas include schools, daycares, parks, playgrounds, and libraries
Sources: calands.org; Alameda County Community Assessment, Planning, and Evaluation (CAPE)

Tobacco Retailers and Youth Population by Census Tract Hayward, CA



Source: American Community Survey 5-Year Estimates, 2018

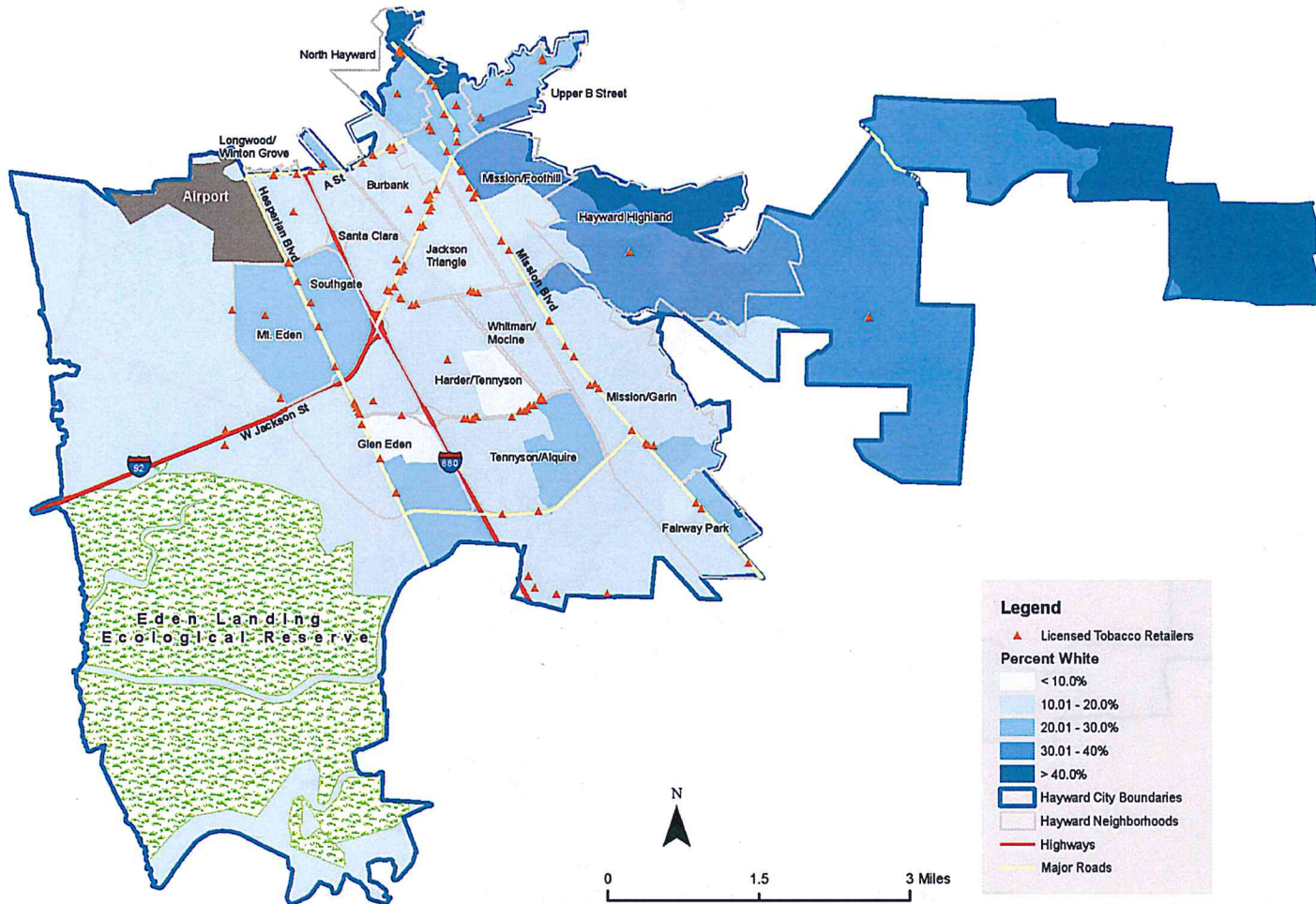
Tobacco Retailers and Poverty Status by Census Tract Hayward, CA



Note: Poverty status calculated using household size and self-reported income in the past 12 months
Sources: American Community Survey 5-Year Estimates, 2017; Alameda County Community Assessment, Planning, and Evaluation (CAPE)

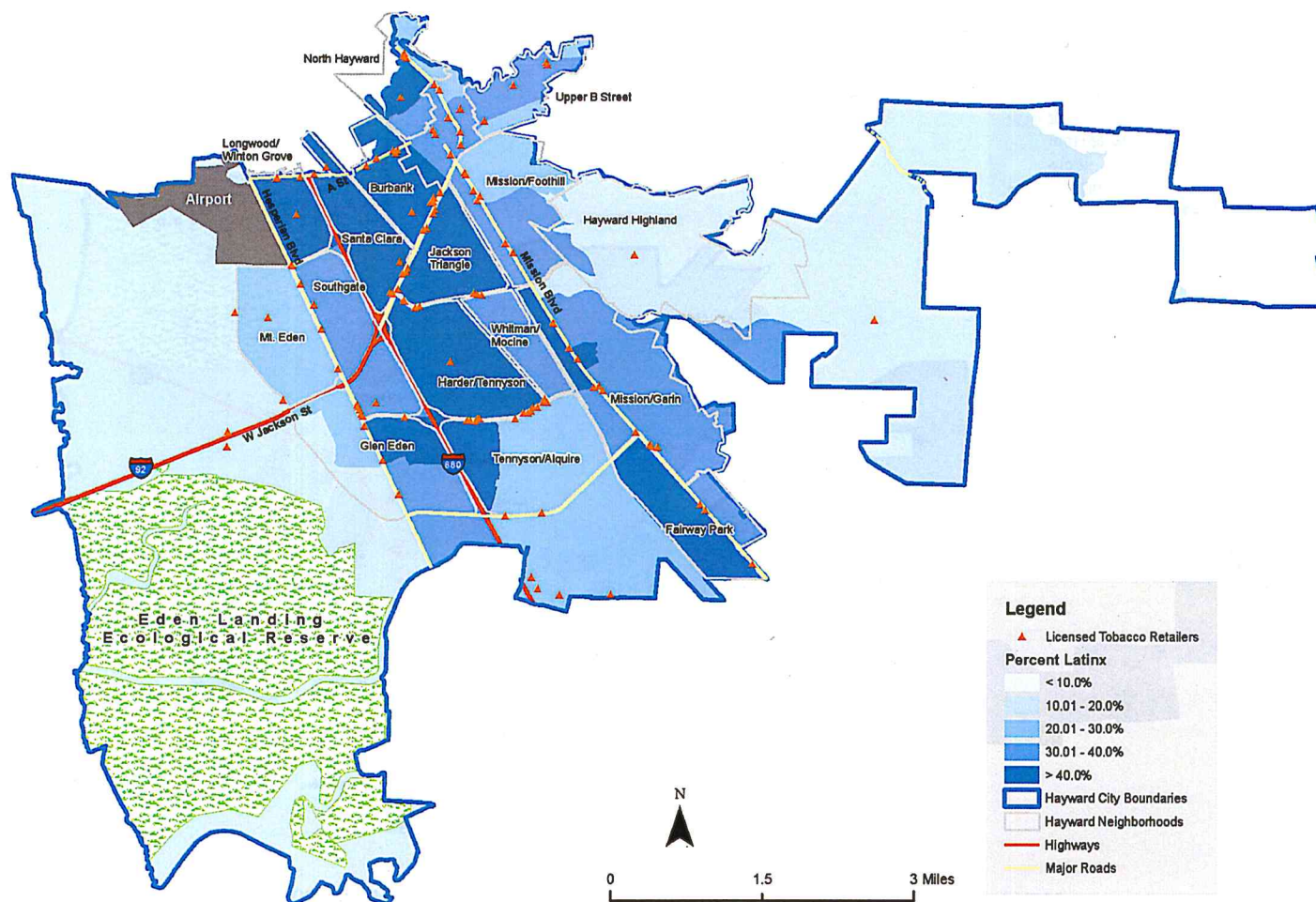


Tobacco Retailers White/Caucasian Population by Census Tract Hayward, CA



Source: ESRI

Tobacco Retailers and Latinx Population by Census Tract Hayward, CA



Source: ESRI