




TOWN OF FAIRFAX

STAFF REPORT

March 1, 2017

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager 

SUBJECT: Approve the concept of modifying the Fairfax Town Code Pertaining to Clean Indoor and Outdoor Air and Health Protection - Smoking Regulations to improve the Town's American Lung Association (ALA) grade

CONTINUED from the January Town Council meeting

RECOMMENDATION

Approve the concept of modifying the Town Code to improve the Town's ALA grade and schedule the matter for consideration at the Council's May meeting.

DISCUSSION

The introduction of an ordinance amending the Town Code pertaining to smoking regulations was originally scheduled for the January Council meeting. The proposed amendments were to make the Town Code consistent with recent changes to State law, as opposed to adding more smoking restrictions. As background, in 2015, the Council amended the Town's Smoking Regulations (Town Code Chapter 8.44) to prohibit smoking e-cigarettes in the same manner as smoking tobacco. In June 2016, new state laws took effect that raised the minimum age for sale of tobacco products in California from 18 to 21 (with the exception of active duty military personnel), and added e-cigarettes to the existing definition of tobacco products. In November 2016, with the passage of Prop. 64 "Adult Use of Marijuana Act" (AUMA), smoking marijuana is prohibited in the same locations as smoking tobacco in the State of California.

Since the January meeting, the American Lung Association (ALA) released its annual tobacco control grades for California municipalities and counties, awarding Fairfax a grade of "C." Please see Attachment 1 to see the ALA's Marin County grades and the scoring rubric. As a result, Councilmember Coler has requested the Council consider additional restrictions to the ordinance in order to raise Fairfax's ALA grade.

According to the scorecard, the two possible areas for improvement are to increase the percentage of non-smoking units in a multi-unit residence and/or to add a Tobacco Retailer Licensing requirement for local retailers. Staff will return to the Council in May with suggestions for improving the Town's grade.

FISCAL IMPACT:

n/a

ATTACHMENT:

ALA grade sheet for Marin County

AGENDA ITEM # 10

State of Tobacco Control 2017 – California Local Grades



MARIN COUNTY

Overall Tobacco Control Grade	Belvedere		Corte Madera		Farfax		Larkspur		Mill Valley		Novato		Ross		San Anselmo		San Rafael		Sausalito		Tiburon		County Incorporated	
	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A	C
Total Points	8	7	6	7	12	6	12	6	5	8	12	7	11											
Smokefree Outdoor Air	A	A	B	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	A					
Dining	4	4	2	4	4	2	4	4	4	4	4	4	4	4	4	4	4	4	4	2				
Entryways	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4			
Public Events	4	4	4	4	4	4	4	4	4	4	4	3	4	4	4	4	4	4	4	4				
Recreation Areas	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4				
Service Areas	4	4	0	4	4	4	4	4	4	4	4	4	4	4	4	4	4	0	4	4				
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Worksites	1	1	1	1	1	1	1	1	0	1	1	1	0	1	1	1	0	0	0	0				
Total Points	21	21	15	21	21	19	21	21	20	21	21	20	16	19										
Smokefree Housing	A	B	B	B	A	C	D	A	A	A	A	B	A	B	A	B	A	B						
Nonsmoking Apartments	4	2	2	2	4	1	0	4	4	4	4	2	4	2	4	2	4	2						
Nonsmoking Condominiums	4	2	2	2	4	1	0	4	4	4	4	2	4	2	4	2	4	2						
Nonsmoking Common Areas	4	4	4	4	4	4	2	4	4	4	4	4	4	4	4	4	4	4						
Nonsmoking Housing Authority	n/a	n/a	0	n/a	n/a	0	n/a	0	n/a	0	0	0	0	0	0	0	0	0						
Total Points	12	8	8	8	12	6	2	12	12	12	8	12	8	12	8	12	8	12						
Reducing Sales of Tobacco Products	n/a	F	F	F	A	F	n/a	F	A	F	A	F	F	A	F	F	F	F						
Tobacco Retailer Licensing	0	0	0	0	4	0	0	4	0	4	0	0	4	0	4	0	0	4						
Total Points	0	0	0	0	4	0	0	4	0	4	0	0	4	0	4	0	0	4						
Emerging Issues Bonus Points																								
Emerging Products Definition - Secondhand Smoke	1	1	1	0	1	1	0	1	0	1	1	1	1	1	1	1	1	1						
Emerging Products Definition - Licensing	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0						
Retailer Location Restrictions	0	0	0	0	0	1	0	0	0	0	1	0	0	1	0	0	0	0						
Sampling of Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Total Points	1	1	1	0	2	2	0	1	2	1	2	1	1	1	1	1	1	1						

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)