



TOWN OF FAIRFAX

STAFF REPORT

September 6, 2017

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager¹
Michele Gardner, Assistant to the Town Manager

SUBJECT: Discuss/consider presentation from Marin County Health and Human Services regarding tobacco licensing program and other smoking regulations

CONTINUED from the January and June Town Council meetings

RECOMMENDATION

Receive presentation from the County and discuss/consider the inclusion of additional smoking regulations in a future amendment to the Town Code.

DISCUSSION

The introduction of an ordinance amending the Town's smoking regulations was originally scheduled for the January 18, 2017, Council meeting. The proposed ordinance was to make the Town Code consistent with recent changes to State law, as opposed to adding more smoking restrictions. The changes included: raising the minimum age for sale of tobacco products in California from 18 to 21 (with the exception of active duty military personnel); adding e-cigarettes to the existing definition of tobacco products;¹ and prohibiting smoking marijuana in the same locations as smoking tobacco in the State of California. ("Adult Use of Marijuana Act").

The item was continued due to the late hour, and shortly after the January 2017 meeting, the American Lung Association (ALA) released its annual tobacco control grades for California municipalities and counties, awarding Fairfax and seven other Marin communities a grade of "C." Reflecting on the ALA information, Councilmember Coler requested the Council consider adding restrictions to the ordinance for the dual purpose of creating a better smoke-free environment for residents, and raising Fairfax's ALA grade to at least a B.

At the Council's June 7th meeting, the Council considered four areas on the ALA scorecard in which Fairfax's current smoking regulations had room for improvement, taking into account staff's discussions with Marin County Health and Human Services regarding particular restrictions in each area, including:

1. Smokefree Outdoor Air
 - Add "Outdoor Service areas." (4 points)
 - Add bars to "Outdoor Dining" (2 pts.)
 - Add sidewalks (1 pt.)

¹ Note: 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.

2. Smokefree Housing
 - Increase percentage of non-smoking units to 100% in multi-unit residences (4 pts)
3. Reducing Sales of Tobacco Products
 - Add a tobacco retailer licensing requirement for local retailers (4 pts)
4. Emerging Issues (need 4 pts for 1 pt. to the overall grade)
 - Ban the sampling of tobacco products (1 pt.)
 - Ban pharmacies from selling tobacco products (1 pt.).

The Council had questions for the County, particularly in regards to the Tobacco Retailer Licensing Program, and continued the matter in order to receive a presentation and ask questions. Mr. Bob Curry, from the Marin County Department of Health and Human Services' Tobacco Related Disease Control Program, graciously agreed to come to the Council's September meeting.

FISCAL IMPACT

n/a

ATTACHMENT

ALA scorecard for Marin County



State of Tobacco Control 2017 – California Local Grades



MARIN COUNTY

Overall Tobacco Control Grade	Belvedere		Corte Madera		Fairfax		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	7	12	6	5	8	5	8	12	7	11	7	11	7	7	7	11	11	11
Smokefree Outdoor Air	A	A	B	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	A	A	A	A
Dining	4	4	2	4	4	4	4	4	2	4	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	4	4	4
Public Events	4	4	4	4	4	4	4	4	4	4	4	4	4	4	3	4	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	4	4	4	4
Service Areas	4	4	0	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Worksites	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	0	1	0	1	0
Total Points	21	21	15	21	21	19	20	21	19	20	21	20	21	21	20	16	19	20	16	19	19	19	19	19
Smokefree Housing	A	B	B	B	A	C	D	A	A	A	A	B	A	A	B	A	B	A	B	A	B	A	B	B
Nonsmoking Apartments	4	2	2	2	4	1	0	4	4	4	4	4	4	4	2	4	2	4	2	4	2	4	2	2
Nonsmoking Condominiums	4	2	2	2	4	1	0	4	4	4	4	4	4	4	2	4	2	4	2	4	2	4	2	2
Nonsmoking Common Areas	4	4	4	4	4	4	4	4	4	2	4	4	4	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	n/a	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Points	12	8	8	8	12	6	2	12	12	6	2	12	12	12	8	12	8	12	8	12	8	12	8	8
Reducing Sales of Tobacco Products	n/a	F	F	F	A	F	n/a	F	A	F	n/a	F	A	F	A	F	A	F	F	A	F	A	A	A
Tobacco Retailer Licensing	0	0	0	0	4	0	0	4	0	0	0	4	0	4	0	4	0	4	0	0	4	0	4	4
Total Points	0	0	0	0	4	0	0	4	0	0	0	4	0	4	0	4	0	4	0	0	4	0	4	4
Emerging Issues Bonus Points																								
Emerging Products Definition - Secondhand Smoke	1	1	1	0	1	1	0	1	1	0	1	0	1	1	1	1	1	1	1	1	1	1	1	1
Emerging Products Definition - Licensing	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1
Sampling of Tobacco Products	0	0	0	0	0	0	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	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	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	0	0	0	0	0	0
Total Points	1	1	1	0	2	2	0	2	2	0	1	0	1	2	1	1	2	1	1	1	1	1	1	3

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)