

Proposed Tobacco Ordinance

**Human Services & Community
Safety Council Committee**

April 28, 2023



Tempe

Making waves in the desert

Council Priorities



1.21 Youth Alcohol, Marijuana, & Opioid Usage Rate

- Achieve rates of zero for alcohol use and drug misuse by 10th and 12th grade students in Tempe as measured by the biennial Arizona Youth Survey.



Background



- City Council Work Study Session (November 17, 2021)
- Human Services & Community Safety Council Committee (HSCS) Council Committee Meetings – (February, May, June & December 2022)
- Stakeholders meeting & Public Feedback (Summer/Fall 2022)
- HSCS Council Committee Meeting (January 2023)
- Proposed Tobacco Ordinance Public Meetings (March 20, 2023)
- Council's Human Services & Community Safety (HSCS) Committee recommends advancing a draft ordinance:
 1. Raising the required age for tobacco purchase to 21
 2. Establishing a licensing fee and program for tobacco sellers

Tobacco Laws & Purpose



- Amendment to Food, Drug, and Cosmetic Act to raise the federal minimum age for the sale of tobacco products from 18 to 21, signed into law in 2019
- Arizona is one of 10 states that does not have a statewide tobacco licensing registry*
- Reasons for tobacco license registry include⁺:
 - Retailers that sell tobacco products must comply with all tobacco laws or risk losing their license to sell tobacco
 - Helps to decrease access to tobacco products, which in turn leads to a decrease in youth prevalence
 - Controls the location and density of tobacco retailers
 - Allows for the imposition of additional restriction on the sale of tobacco products

*Source: CDC

⁺Source: Arizona Dept. of Health Services

Local Municipalities



- **Tucson and Flagstaff** have passed retail tobacco licensing ordinances that establish the minimum sales age of 21, as well as impose civil penalties (including license revocation) for violating prohibition against selling tobacco products to minors. Both Cities have varying fee and violation structures.
 - Flagstaff* subjects Retailors to 2 unannounced compliance checks per year
 - Engage persons between the ages of 18 and 20 to enter establishment to attempt to purchase tobacco products
 - Unannounced compliance checks of all noncompliant retailers required within 3 months of any violation
 - Tucson** has no specific provision for enforcement
- **Cottonwood, Douglass, Goodyear** have passed ordinances raising the age requirement to 21

*Source: Flagstaff C.C. Chapter 7-09

**Source: Tucson C.C. Article XIX

License Fees & Fines Comparison



Municipality	License Fee	"1 st Strike" Fee*	"2 nd Strike" Fee & Penalty	"3 rd Strike" Fee & Penalty	"4 th Strike" Fee & Penalty
Tempe ⁺	\$300 Annually	\$500	\$750 License suspended for 7 days	\$1000 License suspended for 30 days	\$1000 License revoked
Tucson	\$300 Annually	\$500	\$750 License suspended for 7 days	\$1000 License suspended for 30 days	\$1000 License revoked
Flagstaff	Set according to separate fee schedule "not to exceed cost of regulatory program"	\$500	\$750 License suspended for 7 days	\$1000 License suspended for 30 days	\$1000 License revoked for a period of 3 years

*All fees and penalties within a 36-month timeframe.

⁺ Fees and penalties under Tempe's current proposal include violations of restrictions on the sale of flavored tobacco products

Proposed Tempe Tobacco Ordinance



- Increase minimum age to 21
- Implement licensing & fee
 - Annual \$300 fee for vendors
 - Violation fee structure
- Exemption provision of tobacco products for use as part of indigenous practice or a lawfully recognized religious, spiritual or cultural ceremony

Proposed Management of Program



● Tax & License

- Maintains database and licensing of all tobacco vendors
- Issues fines or license revocations

● Police Department

- **Enforcement** of age requirement
 - Response-driven & based on complaints
 - Coordinated with Tax & License
- Possible future partnerships/dialogue with State agencies/Attorney Generals Office

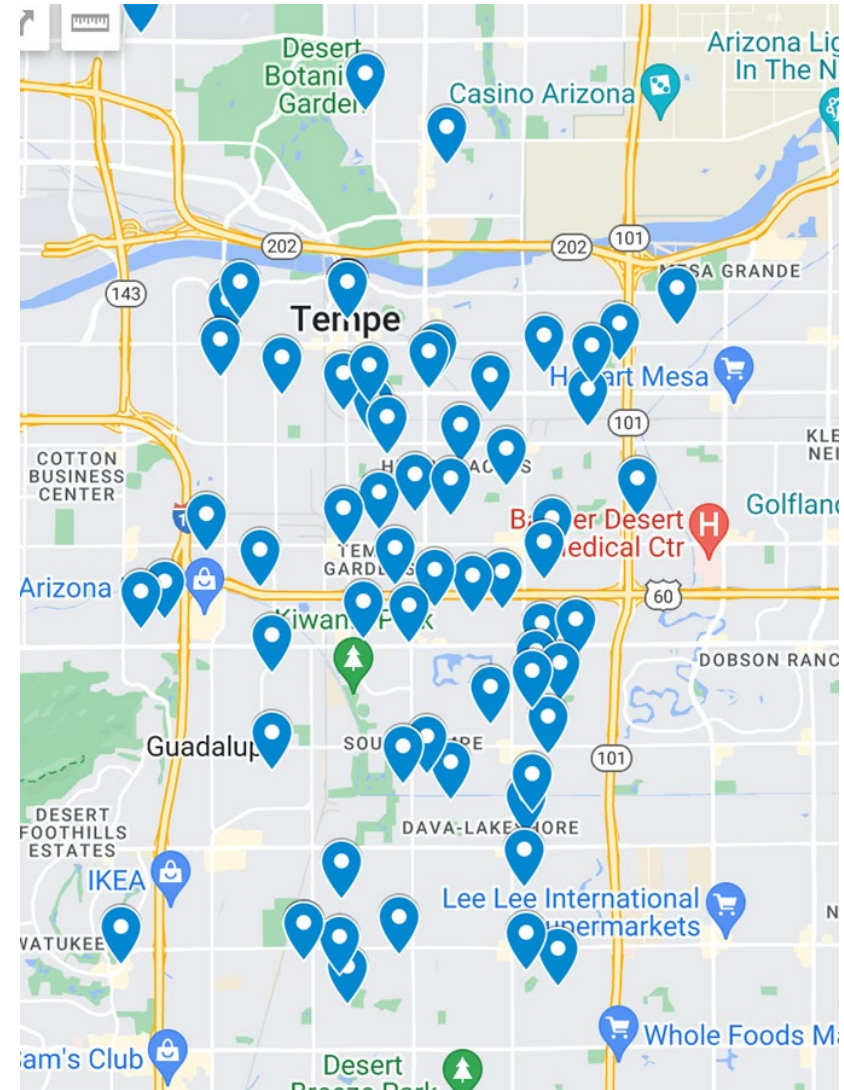
● Tempe City Council

- Monitor data and consider future program modifications

Public Involvement

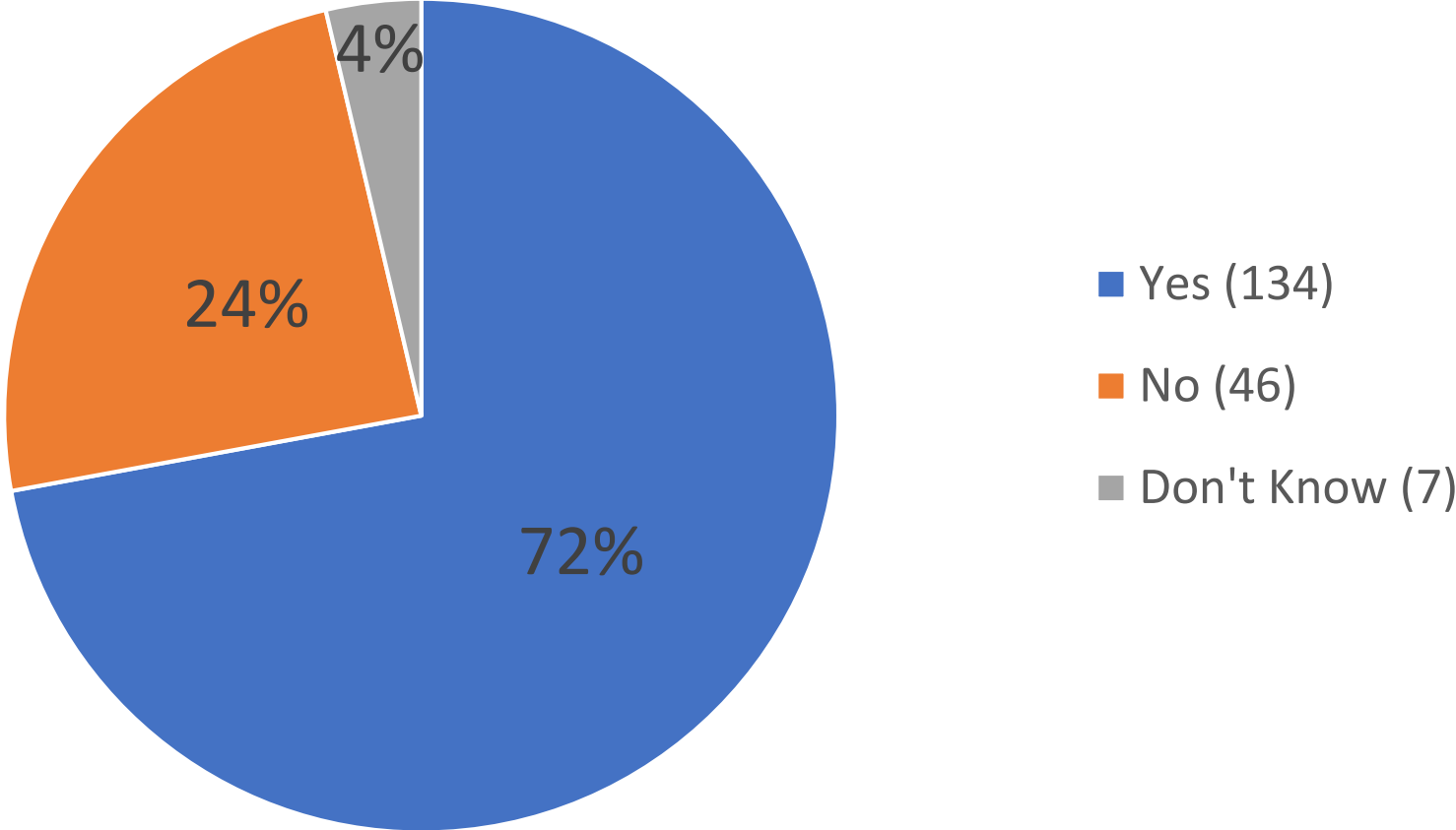


- Public Meetings March 20 (Virtual and in-person)
- Public Survey - March 20 to April 3, 2023
- 188 responses
- 85 respondents provided an address with approximately 75% in Tempe



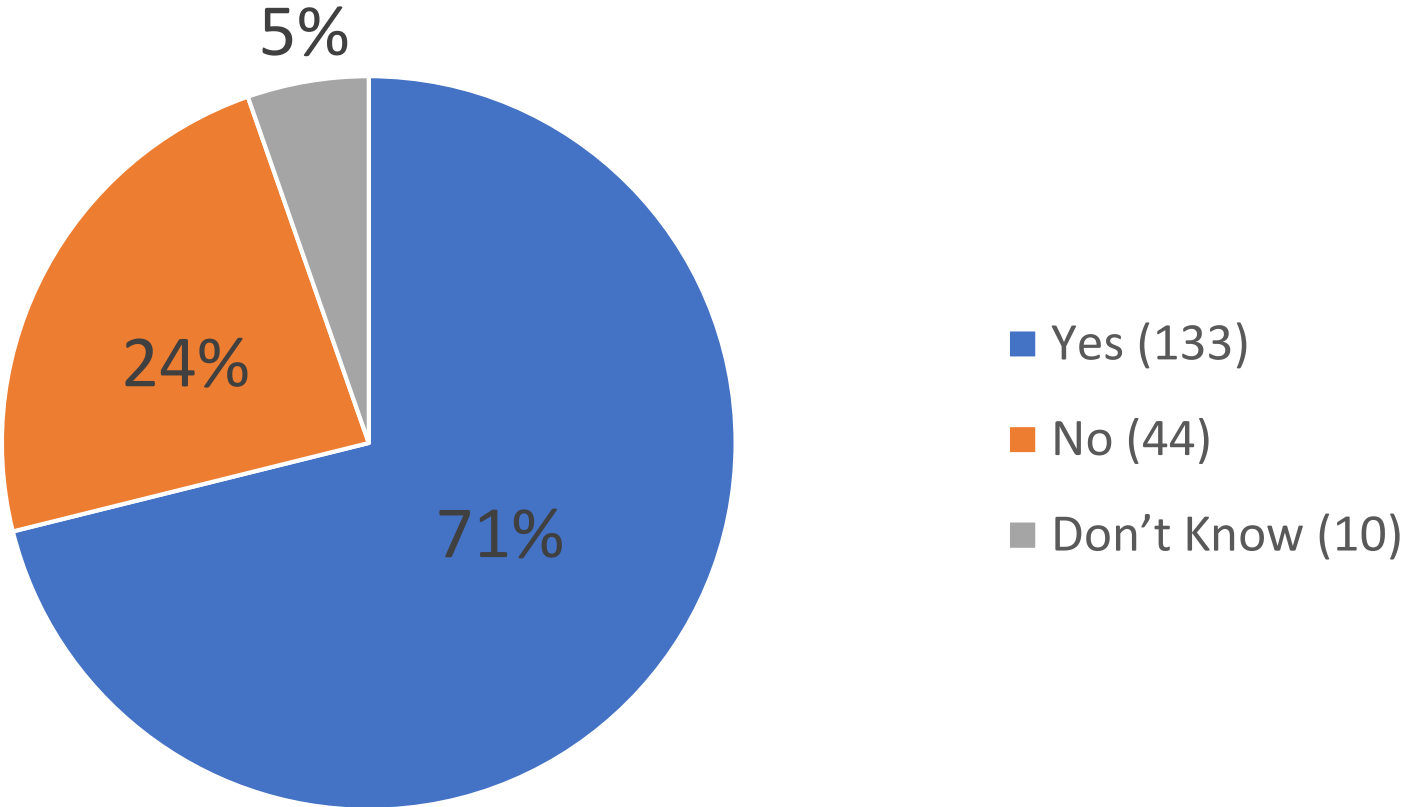
Public Involvement Survey Results

Do you support establishing a tobacco sales license in the City of Tempe?



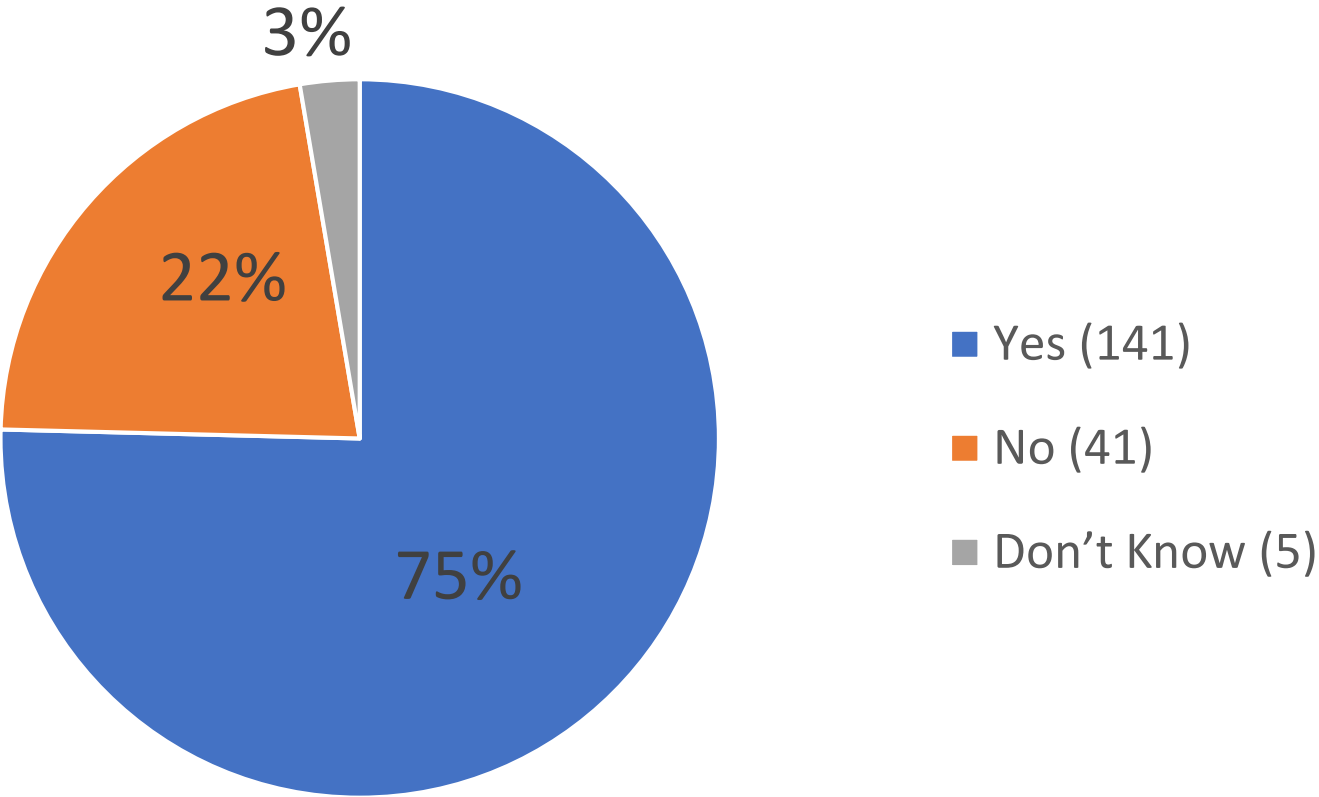
Public Involvement Survey Results

If a tobacco sales license is established, do you support the proposed fee to ensure compliance?



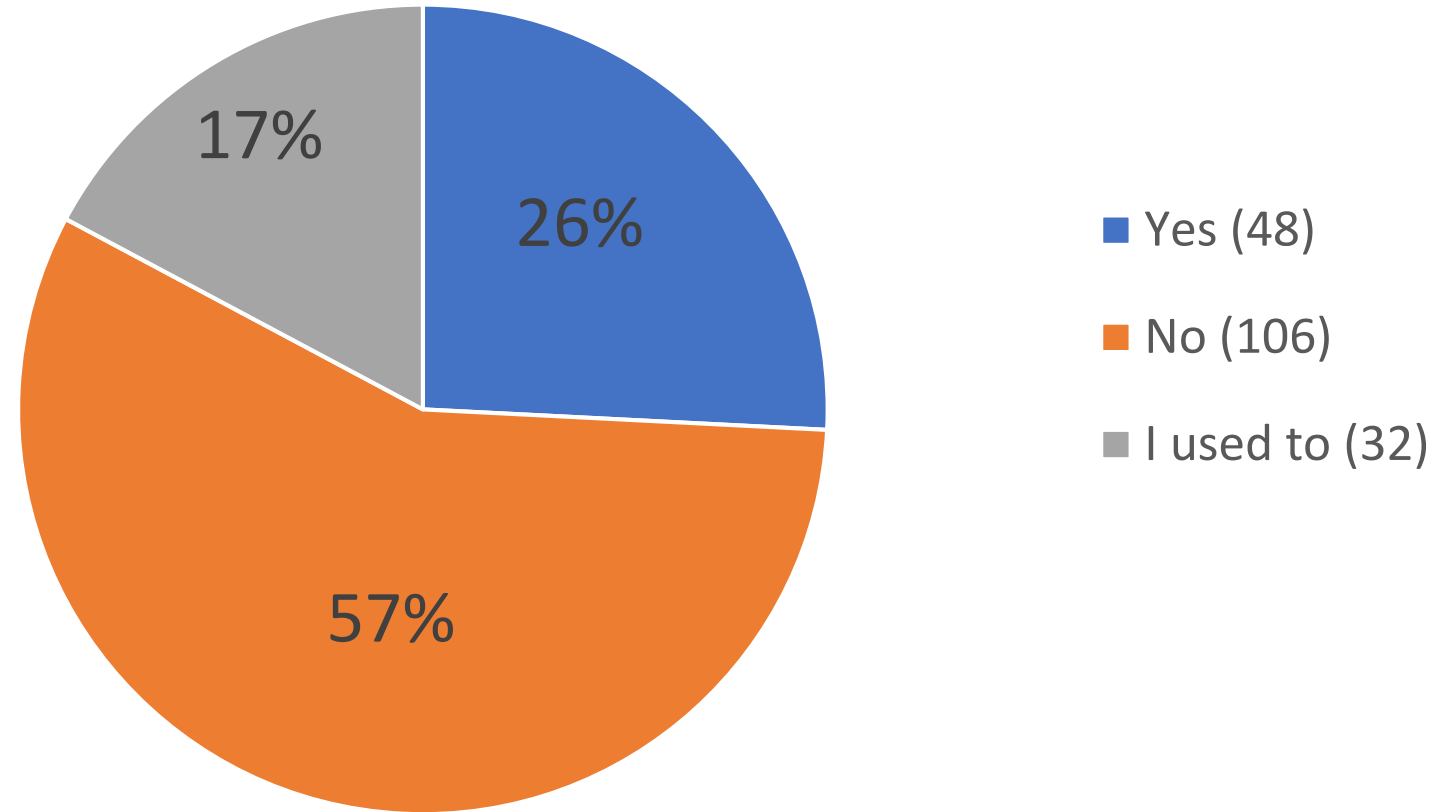
Public Involvement Survey Results

Do you support increasing the minimum age for purchase of tobacco products to age 21?



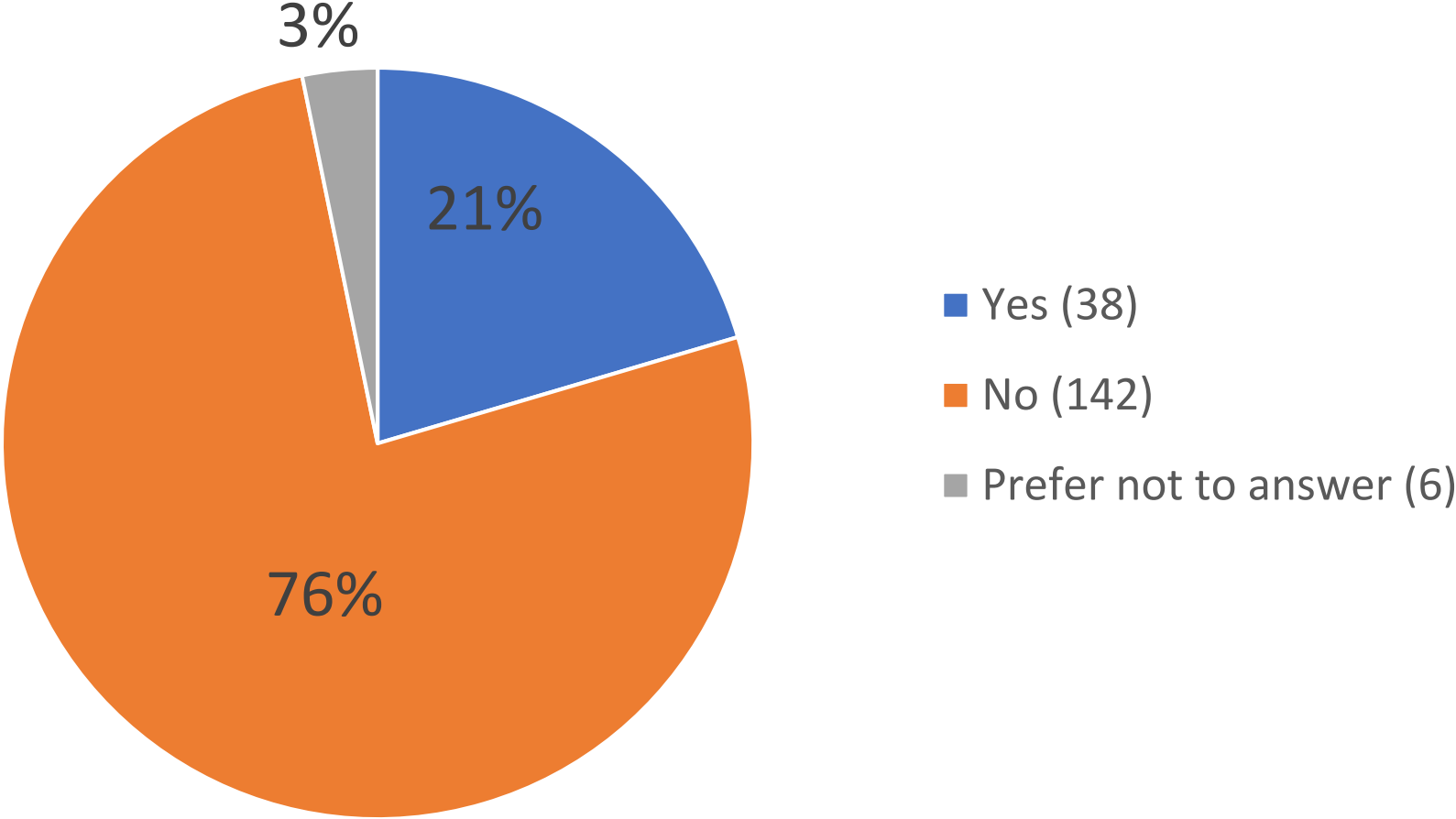
Public Involvement Survey Results

Do you currently use tobacco products?



Public Involvement Survey Results

Do you currently own, manage, or work at an establishment that sells tobacco products?



Ordinance Summary



- Establish a tobacco sales license
- Enact fees to ensure compliance
- Raise the minimum age of tobacco purchase to 21 years old
- Exemptions for indigenous practices or a lawfully recognized religious, spiritual or cultural ceremony or practice unless that person is younger than 21

Next Steps



- Work Study Session – June 8, 2023
- Legal Posting Requirements – (pending Council consensus)
- Public Hearings at Regular Council Meetings - Late Summer
- Implementation Observation and Evaluation

Questions?

Website: tempe.gov/TobaccoOrdinance