



# SAN FRANCISCO RETAIL TOBACCO PERMIT & ENFORCEMENT: SF PUBLIC HEALTH COMMISSION UPDATE

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Tobacco & Smoking Program  
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**POPULATION HEALTH DIVISION**  
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH



# Presentation Overview

- Tobacco Regulations in SF
- Permit Density and Map
- Enforcement Process & Stories from the field
- Current and Future Tobacco & Smoking Program Goals



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# San Francisco Tobacco Retail Policies



Tobacco Products –  
Permitting Begins  
**2004**

E-cigarettes  
defined as a  
Tobacco  
Product  
**2014**



No Tobacco  
Sales to 18, 19,  
or 20 years old  
**2016**

Flavored Tobacco  
Product Ban  
Enforcement  
Roll-out  
**2018**

**2008**  
No Tobacco  
Products Sales in  
Pharmacies

To **help** a persistent  
cough go to aisle 8.



To **get** a persistent  
cough go to aisle 14.



Tobacco  
Permits  
Density Cap  
**2015**



Flavored  
Tobacco  
Product Ban  
**2017**



No distribution  
of flavored  
tobacco  
products; and  
No sales of e-  
cigarettes  
without FDA pre-  
market approval  
**2019**



# Health Equity

## Tobacco Use, Access, & Audience



- 20% of San Francisco High Schoolers have ever used any tobacco product and 8.2% currently use tobacco.\*
- 65.2% of California students think it's easy to obtain vape products
- Student/youth choice is to use vape products – ↑ nicotine rates



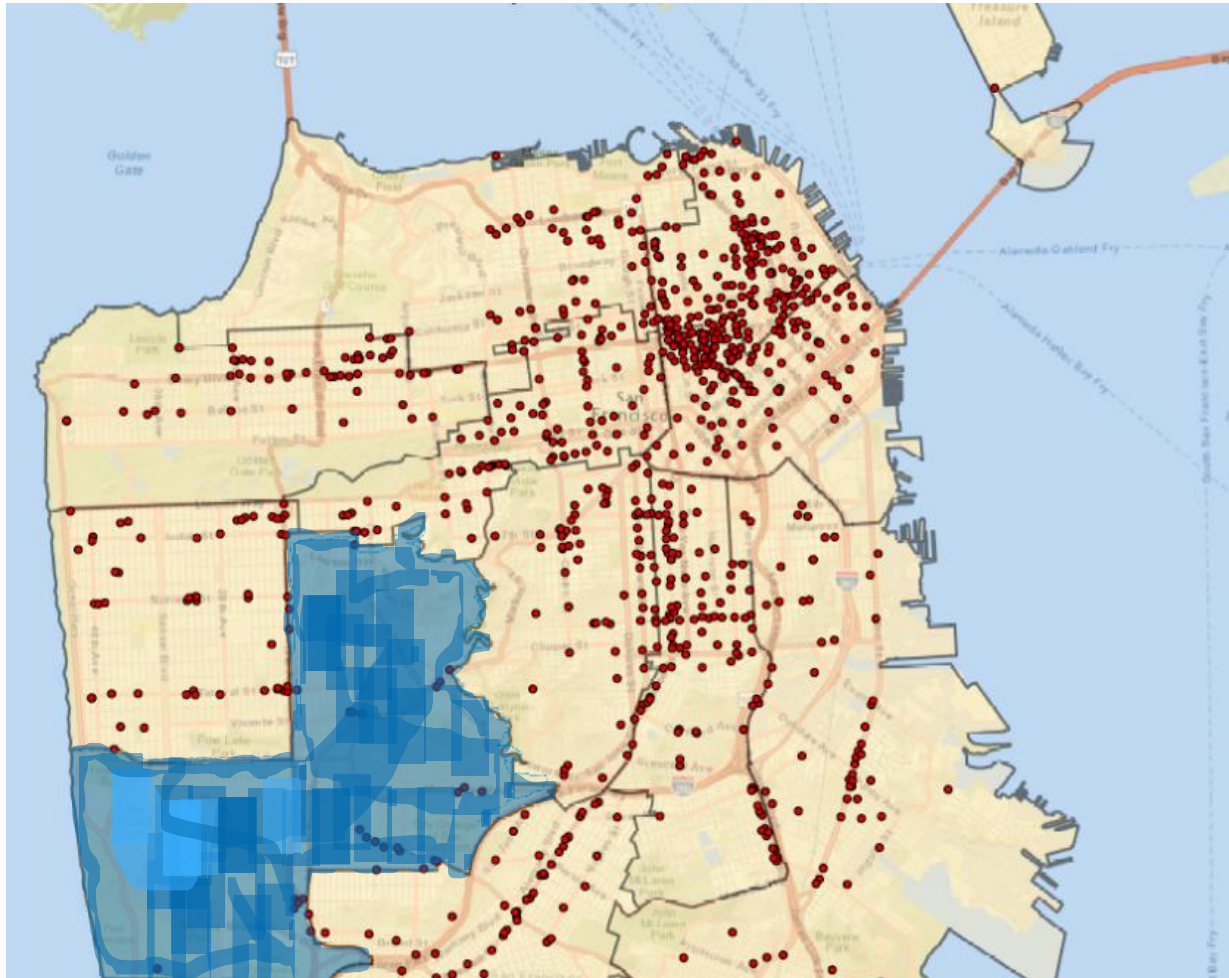
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\*Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021) Statewide 2019-20 California Student Tobacco Survey

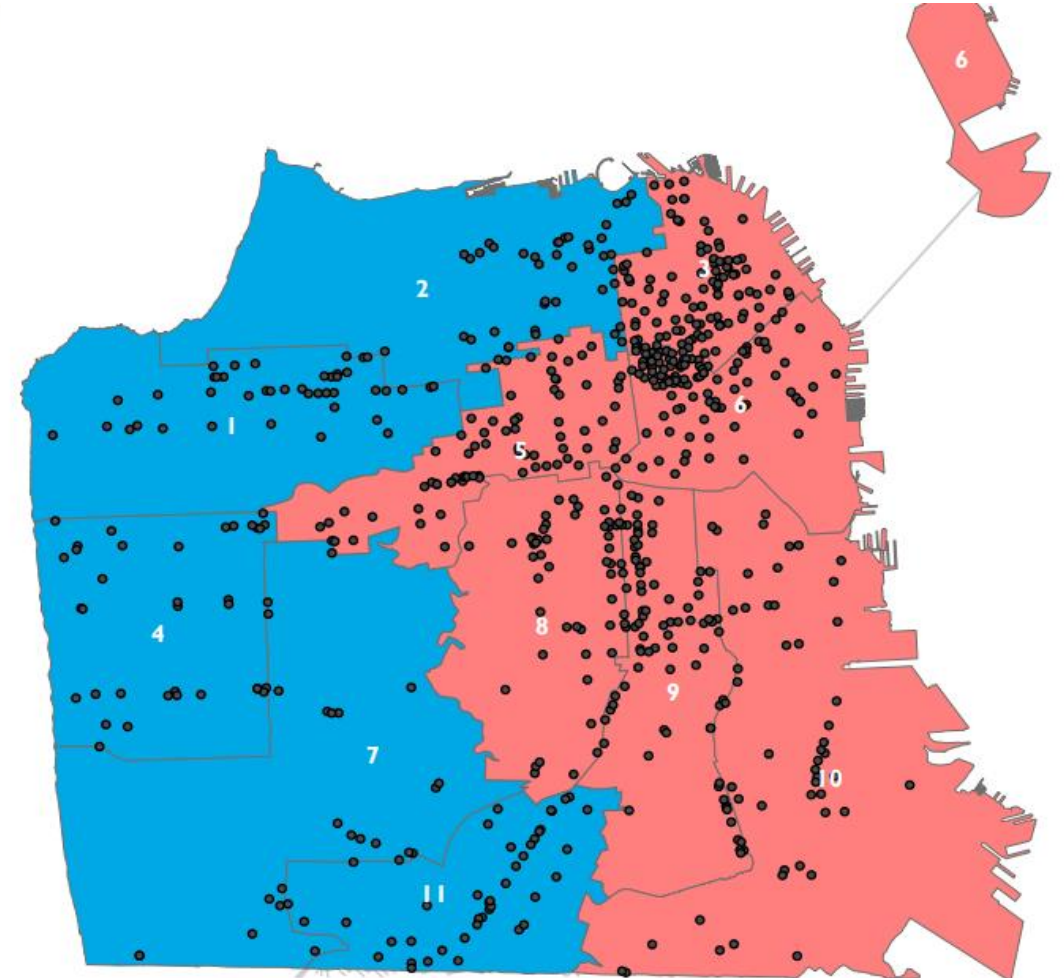


# San Francisco Tobacco Retail Permit Density

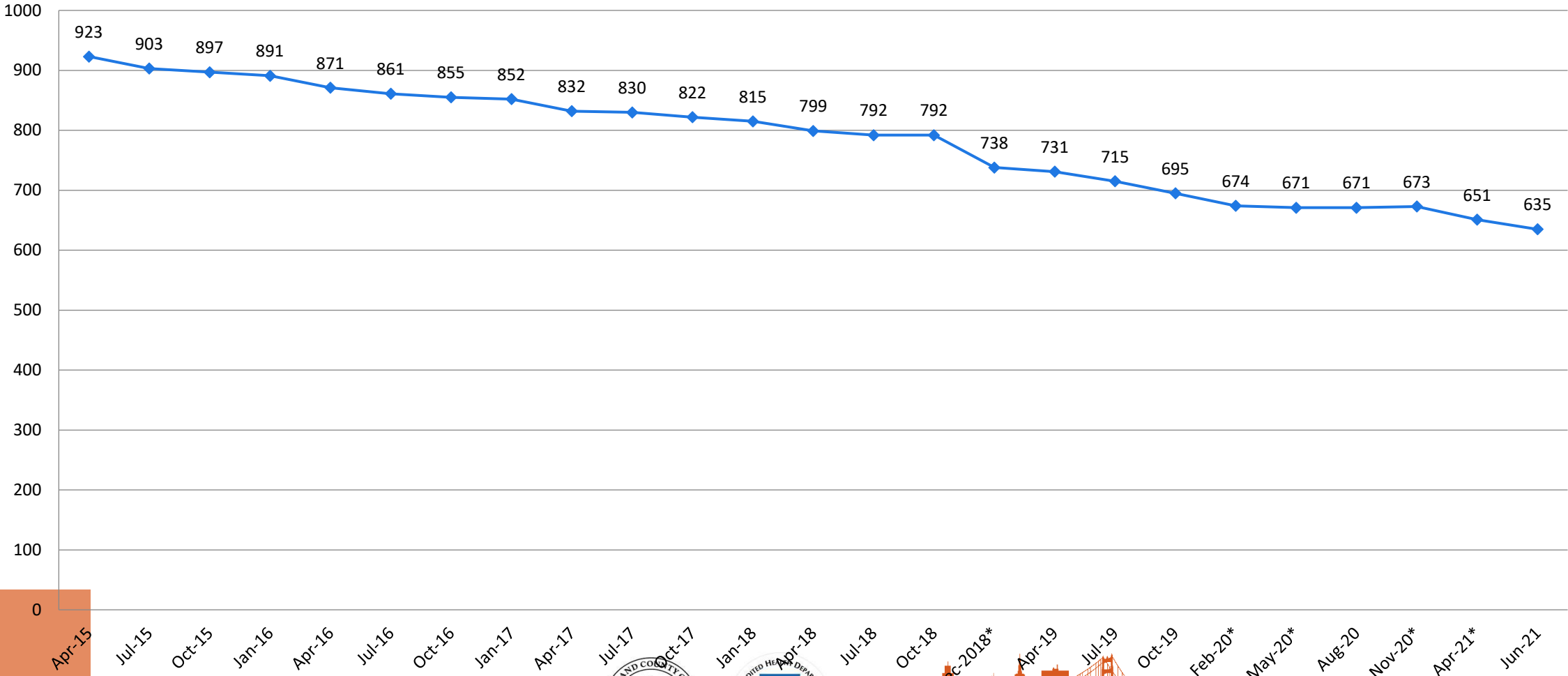
2014



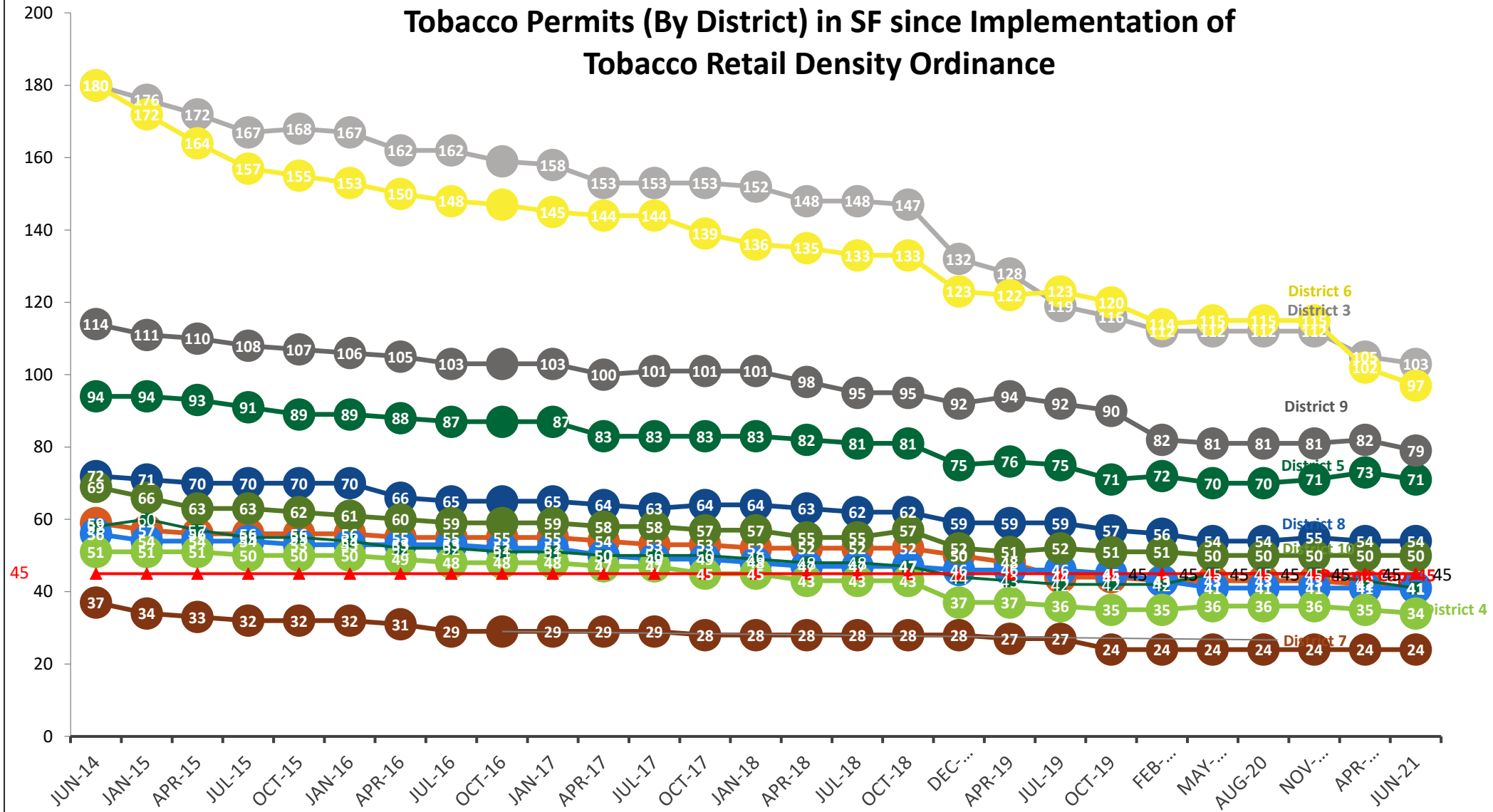
2021



# Total Tobacco Permits in SF since Implementation of Tobacco Retail Density Ordinance

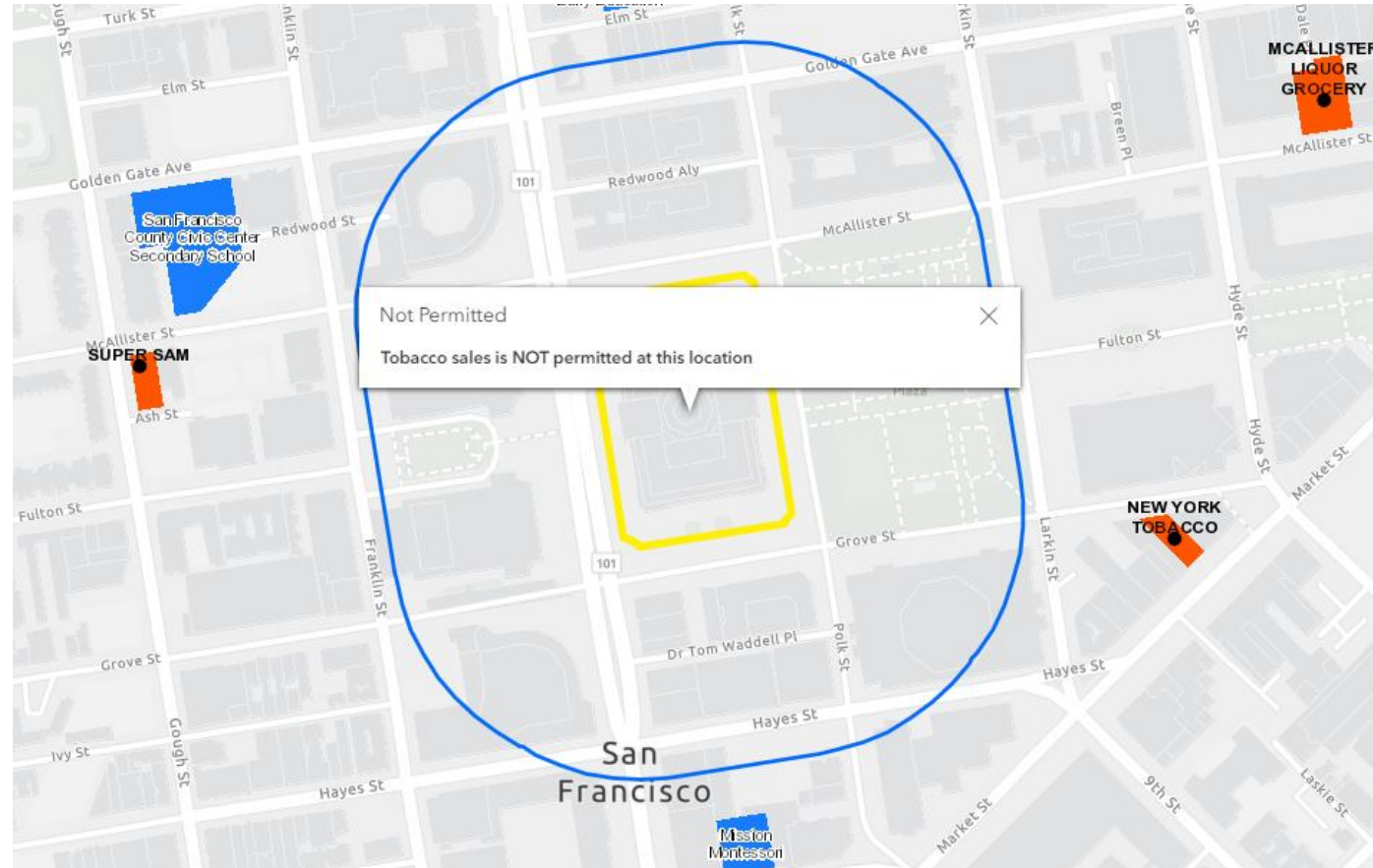


## Tobacco Permits (By District) in SF since Implementation of Tobacco Retail Density Ordinance



# Tobacco Density Map

<https://sfplanninggis.org/tobacopermits/>



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# Tobacco 21 Enforcement Process

## Sales to Persons Under 21 Years of Age

### PERMIT Suspension Reduction Opportunity

- Install scanner or other age verification device (-5 days)
- Remove all visible tobacco product advertisements (-10 days)
- Install permanent opaque covering over all tobacco products (-10 days)
- Conduct employee retail tobacco training (-5 days)



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# Enforcement Process

- 1<sup>st</sup> time violation - 72 hours to remove product from shelf
- 2<sup>nd</sup> and any subsequent violation – Permit Suspension



### E-Cigarettes & Flavored Tobacco/Nicotine Restrictions

STOP

January 29, 2020

STOP

**WHAT:** Stop direct and online sales/distribution of e-cigarettes without FDA Marketing Orders and flavored tobacco/nicotine products, including flavored e-cigarettes, to anyone in San Francisco.

**WHEN:** Effective **January 29, 2020** stop selling or distributing restricted tobacco products.

**HOW:** To determine what e-cigarette products are approved for sale

1. Visit <https://www.sfdph.org/ecigs>
2. Text (415) 226-9564
3. Email [EHB-TobaccoProgram@sfdph.org](mailto:EHB-TobaccoProgram@sfdph.org)

- 1<sup>st</sup> time violation – Affidavit to recall products at all SF sales locations
- For 2<sup>nd</sup> and any subsequent violation – administrative citation and referral to the City Attorney's Office



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# Retail Sales Ban: Flavored Tobacco Products



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Where are the  
flavored tobacco  
products?











2019/08





# Distribution Ban:

## Flavored Tobacco Products and E-cigarettes without FDA Pre-market Approval



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SHIP 148957  
TO [REDACTED] 304

TAX ID [REDACTED]

CORE-MARK INTERNATIONAL, INC  
REMIT TO: 31300 MEDALLION DRIVE  
HAYWARD  
CA 94544 510 487-3000

CAL TOB LICENSE LDQET [REDACTED]

BILL TO [REDACTED]

INVOICE NO. 0400380  
DATE 2021-02-09

TRUCK	STOP	PO NUMBER	SALES PERSON	CUST. PHONE NO.	DUNS NO.	TERMS				
220	0080				97078307	NET 3 DAYS PAD				
ITEM	UPC	QUANTITY	DESCRIPTION	PACKING	SUGG RETAIL	KEY	GP%	RETAIL EXT	SELLING PRICE	EX
1	460706	10 EA	TREE FRSHNR TRUE NORTH	2 PK			49.5		1.41	
2		84	** COMMODITY TOTAL				58.7			
3			HBC ***							
4	928424	3 BX	C/VALET COMB MENS 1137	6 CT			52.9		2.80	
5	929349	1 BX	C/VALET NAIL CLPR/FILE/KEY CHN	6 CT			3.9		5.71	
6	415201	3 EA	LIL D VP MOUTHWASH	250 ML			51.7		1.30	
7	070490	6 EA	TROJAN CONDOM MAGNUM LUBRICATED	3 CT			50.8		1.62	
8	244053	3 EA	VICKS VAPORUB 50G 000200779	1.76Z			26.1		4.06	
9		16	** COMMODITY TOTAL				41.3			
10			CIGARS ***							
11	698860	7 BX	BACKWOODS ORIGINAL	8/5			42.1		41.64	
12			DUE TO VENDOR SUPPLY							
13			ISSUES THIS ITEM IS							
14			TEMPORARILY OUT OF STOCK							
15			WITH NO KNOWN ETA. PLEASE							
16			CONTINUE TO ORDER							
17	698852	2 BX	BACKWOODS SWEET AROMATIC 000000	8/5			42.1		41.64	
18	105809	3 BX	BLK+MLD UPRT	25			44.9		26.06	
19	764377	2 BX	BLK+MLD ORIG WT UPRT	25			39.4		28.65	
20	770404	8 BX	SWISHER SWT CIGAR 201.29	20/5			45.0		54.94	
21	461341	8 BX	SWISHER SWT CIGARLO DIAMND 201.29	30/2			56.5		26.37	
22	461341	1 BX	SWISHER SWT CIGARLO SW. 201.29	30/2			56.5		26.37	
23	476301	1 BX	SWISHER SWT LF CIGRLO ORIG	10/3			53.4		22.60	
24		25	** COMMODITY TOTAL				47.7			
25			TOBACCO ***							
26	371575	4 RL	COPENHAGEN POUCH	5/TIN			20.6		30.14	
27	572990	2 RL	SKOAL LC CLASSIC 0000000000	5/TIN			15.6		30.14	

CARTONS	CIG TAX	NO OF LABELS	TAXABLE	NON TAXABLE	GROCERIES	NON GROCERIES	ALLOWANCES	INVOICE TOTAL

SPECIAL INSTRUCTIONS

TOTAL RETAIL

TOTES IN

GROSS PROFIT

TOTES OUT

\*KEY N=NEW ITEM  
A=PRICE ADVANCE  
D=PRICE DECREASE

LESS APPLICABLE DISCOUNT

PLUS TOTAL CHARGES

PLEASE PAY THIS AMOUNT

CUSTOMER AUTHORIZED SIGNATURE

ACCEPTANCE OF THE ABOVE LISTED MERCHANDISE CONSTITUTES AN AGREEMENT TO PAY WITHIN TERMS. FAILURE TO PAY ON TIME WILL RESULT IN A SERVICE CHARGE OF 1.5% PER MONTH ON ALL PAST-DUE AMOUNTS PLUS ALL COLLECTION COSTS INCLUDING ATTORNEY'S FEES

- ALL CLAIMS FOR SHORTAGES MUST BE REPORTED WITHIN 24 HOURS. NOT RESPONSIBLE THEREAFTER -

THIS INVOICE MUST BE PAID BY:





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***"ZYN Tobacco-Free Nicotine Pouches"***



- **Challenges:**
  - Wholesale distribution of flavored tobacco to retailers in SF.
  - Manufacturers working to conceal flavored tobacco products as seen in their packaging above.
  - Tobacco retailer confusion on what is a Tobacco Product.
  - Selling flavored tobacco products and unapproved e-cigarettes under the table (complaints).



# Next Step: Community Partnership



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**“Look at the big picture - you’ve  
gotten 90% of flavored tobacco  
products off the shelf...”**

**– SF Deputy City Attorney**



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# THANK YOU!



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