



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

Board of Supervisors

**DATE:** July 7, 2003

**BOARD MEETING DATE:** July 15, 2003

**TO:** Honorable Board of Supervisors  
**FROM:** Supervisor Rich Gordon and Supervisor Mike Nevin  
**SUBJECT:** Amendment to the Tobacco Retailer Permit Ordinance

**Recommendation**

Adopt an Ordinance Amending the Tobacco Retailer Permit Requirements Contained in Sections 4.98.100, 4.98.110, 4.98.130, 4.98.150, and adding Section 4.98.145 to Chapter 4.98 of Title 4 and Amending the Tobacco Retailers Permit Fee set forth in Ordinance Code Section 5.64.070 of Chapter 5.64 of Title 5 of the San Mateo County Ordinance Code.

**Background**

In May of 1998, this Board adopted an ordinance requiring tobacco retailers to obtain a permit in order to sell tobacco. After the adoption of the ordinance, seven cities adopted similar ordinances, each of which has the permitting process handled by the Environmental Health Division of the Health Services Agency. Since that date, the Environmental Services Agency not only issues the permits but also checks on the retailers to make sure that they are permitted. Approximately 90 permits are issued in the unincorporated area and 443 throughout the seven cities.

**Discussion**

The present ordinance sunsets in September of 2003. In addition to eliminating the sunset provision, the ordinance presented for your consideration changes the permit from a five year to a one year permit. The costs of the permit will increase to \$35 a year in order to offset the increased direct costs of processing the permit. Presently, a tobacco retailer permit can be suspended only if the retailer sells to minors. The proposed ordinance broadens the grounds for permit suspension in that it enables the permit to be suspended if there is any violation of the ordinance code or any federal or state tobacco related law. It can also be suspended if the application for the permit was incomplete or inaccurate. The requirements for a renewal of a permit has also been tightened to ensure that tobacco retailers cannot receive a new permit if

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the present permit is still suspended or if there are any outstanding fines. Finally, a new provision has been added requiring the tobacco retailer to report to the Sheriff any violations of tobacco related laws by agents or employees of the tobacco retailer.

We met with the Sheriff who confirmed his willingness to perform "sting" operations to ensure that the tobacco retailers are complying with tobacco related laws.

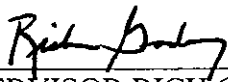
We anticipate that representatives from the Environmental Health Division and the Office of the Sheriff will meet with and encourage officials in the seven cities that presently have tobacco retailer ordinances to work with their City Councils to adopt similar amendments. In addition, these County representatives will encourage officials in cities without an ordinance to work with their City Councils to adopt ordinances to ensure that tobacco related laws are being enforced uniformly through out the County.

**Administrative**

The proposed ordinance furthers the County's vision of maintaining and enhancing the public health and safety of all residents and visitors. In addition, the County and local governments are effectively communicating, collaborating and developing strategic approaches to issues affecting the entire County.

**Fiscal Impact**

There is no net County cost.



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SUPERVISOR RICH GORDON



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SUPERVISOR MIKE NEVIN

cc: John Maltbie, County Manager  
Don Horsley, Sheriff  
Margaret Taylor, Director, Health Services