



Overview of California Tobacco Control Policy Trends in PETS Database

September 2021

The Policy and Evaluation Tracking System (PETS) is the policy surveillance database of tobacco control policies in local jurisdictions in California. The PETS database tracks local policies in four topic areas: Comprehensive Secondhand Smoke, Smokefree Multi-Unit Housing, Comprehensive Tobacco Retail Sales, and Flavored Tobacco.

The PETS database has gone through a thorough renovation. All local California policies were re-analyzed on the four topics against a sub-set of questions related to the 2020 CX Indicators. This Phase 1 of the re-analysis project was completed by the end of March 2021, and all policy data reflected in this overview is based on that sub-set of questions and is current as of April 2021.

California cities and counties have long led the way on adopting innovative tobacco control policies to address longstanding and emergent public health needs to protect Californians from secondhand smoke exposure and tobacco industry targeting in the retail sales environment. These policies can be tracked using the PETS database in order to monitor policy trends, evaluate progress, and share best practices.

Comprehensive Secondhand Smoke

California's statewide smokefree air law, Labor Code 6404.5, prohibits smoking and e-cigarette use in most enclosed workplaces and public places in the state. Cities and counties have taken advantage of their authority to adopt stronger local laws that close loopholes that allow smoking in indoor venues, such as hotel/motel rooms and tobacco retail stores, and to extend smokefree protections to various outdoor workplaces and public places.

Currently, **393** California municipalities have enacted policies that restrict smoking in various outdoor public places and workplaces, including:

- **Outdoor areas of restaurants and bars: 84** jurisdictions have enacted policies that **prohibit smoking, vaping, and marijuana smoking** at outdoor dining areas of restaurants and outdoor bar areas.
Additionally:
 - **143** jurisdictions have enacted policies that **prohibit smoking** at outdoor dining areas of restaurants.
 - **125** jurisdictions have enacted policies that **prohibit smoking and vaping** at outdoor dining areas of restaurants.
 - **105** jurisdictions have enacted policies that **prohibit smoking** at outdoor bar areas.
 - **95** jurisdictions have enacted policies that **prohibit smoking and vaping** at outdoor bar areas.
- **Outdoor public events and venues: 134** jurisdictions regulate smoking in outdoor public events and venues (e.g. farmers' markets, fairs, concerts, flea markets, sports arenas, swap meets, shopping centers, special/specified events). Additionally:
 - **25** jurisdictions prohibit smoking in **all** outdoor public events and venues.

- **109** jurisdictions prohibit smoking in **specified/some** outdoor public events and venues or at city/county events and venues
- **Outdoor recreational areas: 378** jurisdictions regulate smoking in outdoor recreational areas (e.g. parks, playgrounds, trails, bike/pedestrian paths, sports fields, beaches). Additionally:
 - **74** jurisdictions prohibit smoking in **all** outdoor recreational areas.
 - **232** jurisdictions prohibit smoking in **some** outdoor recreational areas or **all city/county** recreational areas.
- **Outdoor public easements/rights of way: 182** jurisdictions regulate smoking in outdoor public easements/rights of way (such as sidewalks, plazas, downtown/business districts, and service lines). Additionally:
 - **26** jurisdictions prohibit smoking in **all** public easements/rights of way areas.
 - **135** jurisdictions prohibit smoking in **some** public easements/rights of way or **all city/county** public easements/rights of way.
- **Outdoor places of employment: 64** jurisdictions regulate smoking in outdoor places of employment (e.g. construction areas, farm fields, etc.). Additionally:
 - **51** jurisdictions prohibit smoking in **all** public and private worksites with 2 or more workers.
 - **2** jurisdictions prohibit smoking in **only private** worksites *or* **only public** worksites.
- **Outdoor transit stops: 150** jurisdictions regulate smoking in outdoor transit stops/shelters. Additionally:
 - **120** jurisdictions prohibit smoking in **all** outdoor transit stops/shelters.
 - **18** jurisdictions prohibit smoking in **some** outdoor transit stops/shelters (e.g. specified systems only, or shelters only but not stops).

Smokefree Multi-Unit Housing

California municipalities are leading the nation in expanding smokefree air protections by adopting policies that regulate smoking in multi-unit housing at the city or county level. By reducing exposure to drifting secondhand smoke, healthier living environments are created for residents.

Currently, **84** municipalities in California have enacted ordinances that, at a minimum, regulate smoking in private units of rental and/or owner-occupied multi-unit housing (MUH):

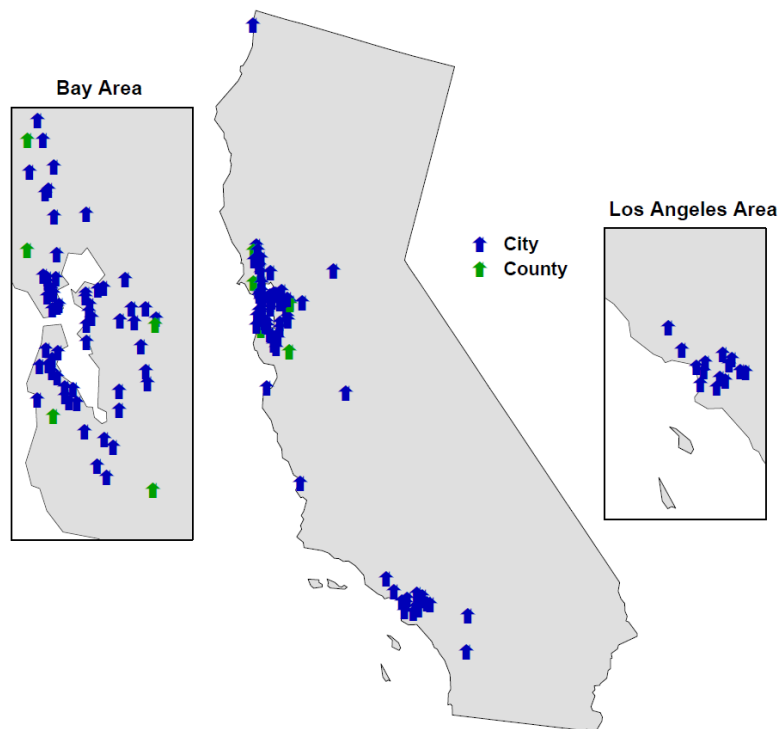
- **35** municipalities have adopted the strongest policies that require all MUH properties with 2 or more units to be 100% smokefree indoors—both rental units **and** condominium/owner-occupied units—**including** e-cigarette use and marijuana smoking/vaping.
- **49** municipalities require all MUH properties with 2 or more units to be 100% smokefree indoors for tobacco—both rental units **and** condominium/owner-occupied units—but **do not fully include** e-cigarette use and/or marijuana smoking/vaping in the policy.
- **66** municipalities have adopted policies that, at minimum, require **all** MUH **rental** properties to be 100% smokefree indoors for tobacco. **60** of these policies also cover **condominium/owner-occupied units**.
- **6** municipalities require all **rental** MUH properties with 2 or more units to be 100% smokefree indoors but exempt **some** or all condominium/owner-occupied units.
- **16** municipalities have **partial** policies that require some, but not all, units or buildings to be smokefree, or contain other exemptions such as allowing existing residents to continue smoking in their unit.

- Smokefree multi-unit housing policies have been enacted by jurisdictions covered by **18** different Local Lead Agencies (in 16 counties plus Berkeley and Pasadena).
- The overwhelming majority (84.8%) of policies follow the best practice of applying smokefree protections to MUH properties with 2 or more units. Of the **66** municipalities with policies that require MUH **rental** properties to be 100% smokefree, **56** apply to properties with 2 or more units, while **7** policies apply to properties with 3 or more units, **2** policies apply to properties with 4 or more units, and **1** policy does not specify a minimum number of units.
- Of the **84** municipalities that regulate smoking in private units, **72** policies (85.7%) include e-cigarette use, while **4** policies explicitly exempt e-cigarette use and **7** policies do not address e-cigarette use.
- Of the **84** municipalities that regulate smoking in private units, **58** policies (69%) include marijuana smoking and vaping. Of the remaining municipalities, **12** policies exempt medical marijuana smoking or vaping, **4** policies prohibit marijuana smoking but not vaping, **2** policies prohibit vaping marijuana, and **8** policies do not address marijuana.

For detailed information on these policy provisions, see the [Matrix of Smokefree Multi-Unit Housing Policy in California](#).

There are additional municipalities that have enacted policies regulating smoking in multi-unit housing to a lesser extent than in private units, such as prohibiting smoking only in indoor common areas or only on outdoor private use areas, like patios and balconies.

California Jurisdictions with Policies that Regulate Smoking in Private Units of Multi-Unit Housing



Comprehensive Tobacco Retail Sales

The Comprehensive Tobacco Retail Sales topic covers a variety of issues relating to regulating the retail sale of tobacco products, including specific product restrictions and location requirements of retailers. California municipalities have led the way in the U.S. in adopting tobacco retail sales policies, and communities continue to consider and adopt innovative policies with the goal of reducing access to and the availability of tobacco products in the community.

The best practice is for municipalities to adopt tobacco retail sales restrictions within a framework of requiring a tobacco retailer license. Currently, **209** municipalities have adopted a requirement for a local tobacco retailer license. However, more than **120** municipalities have adopted tobacco retail sales regulations without having a tobacco retailer licensing framework. For more information, see the [list of California Municipalities with Tobacco Retailer Licenses](#).

Currently, **132** California municipalities have enacted policies that regulate tobacco retail sales in some manner:

- **76** municipalities fully prohibit or partially regulate the distribution of **free samples** of tobacco-leaf products; **17** of these fully prohibit the distribution of **free samples** of tobacco-leaf products.
- **24** municipalities fully or partially require **full price** for tobacco-leaf products.
- **46** municipalities regulate the **pack size/volume** of one or more types of regulated products other than cigarettes.
- **26** municipalities require a **minimum price** for one or more types of regulated products.
- **50** municipalities prohibit the sale of **tobacco-leaf** products in **pharmacies** and retailers that contain a pharmacy counter, including **41** municipalities whose policies also prohibit the sale of **ESDs** in pharmacies.
- **14** municipalities **fully** prohibit the **sale of all ESDs**, and **19** municipalities **partially** prohibit the sale of ESDs.
- **2** municipalities end the **sale of all tobacco leaf products**, excluding ESDs.
- **4** municipalities end the **sale of all tobacco leaf products and ESDs** with limited exemptions.

California communities are also adopting regulations that **limit the density** of tobacco retail sales venues (stores and/or lounges) and/or the **location** of tobacco retail sales venues in proximity to sensitive areas.

Currently, **115** California municipalities have enacted policies that regulate the density or proximity of tobacco retailers:

- **14** municipalities limit the number of retail sales venues based on **population**.
- **12** municipalities **cap** the total number of licenses of retail sales venues that can be issued within the municipality.
- **19** municipalities limit retail sales venues for any regulated products in proximity to **residential areas**.
- **59** municipalities limit the proximity of retail sales venues to **other tobacco retailers**.
- **99** municipalities limit the proximity of retail sales venues to **youth-populated areas** such as schools, parks, and/or childcare.

- **59** municipalities require retail sales venues to be located **1000 ft. or more** from youth-populated areas.
- **40** municipalities limit the proximity of retail sales venues to youth-populated areas, but at a minimum distance of **less than 1000 ft.**
- **7** municipalities limit the proximity of retail sales venues to **marijuana retailers.**

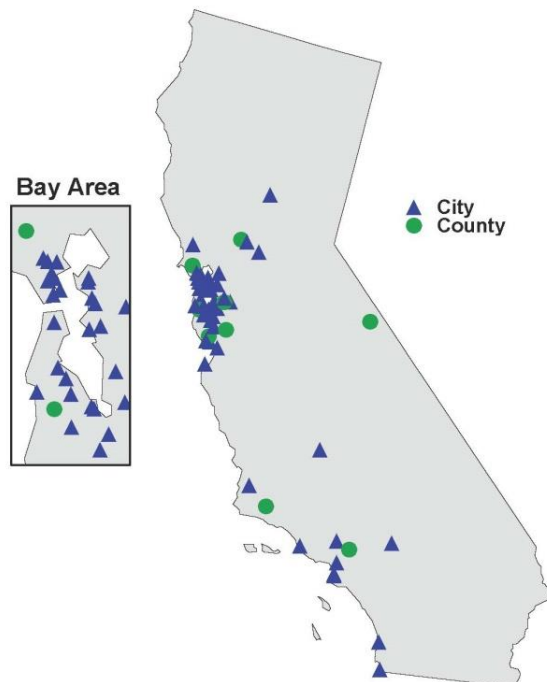
Flavored Tobacco

California cities and counties have been early adopters of policies that regulate the sale of flavored tobacco products, and the state can boast the first municipalities in the U.S. to end the sale of all flavored tobacco products—including menthol—at all retailers. These policies are intended to negate the impact of flavored tobacco products on enticing young people to commence a lifetime of nicotine addiction and dispel decades of targeted tobacco industry marketing of menthol cigarettes on Black communities and low-income communities.

Currently, **98** municipalities in 28 LLAs (26 counties) have enacted policies that regulate the sale of flavored tobacco products in some manner:

- **58** municipalities prohibit the sale of all flavors of all tobacco products, **including menthol**, at all venues. (See map.)
- **6** municipalities prohibit the sale of all flavors of all tobacco products, including menthol, **except** by adult-only/specialty retailers.
- **71** municipalities prohibit the sale of **menthol cigarettes** in all venues.
- **80** municipalities prohibit the sale of **menthol cigarettes**, regardless of any other exemptions.

California Jurisdictions with Policies Prohibiting the Sale of Flavored Tobacco Products, Including Menthol, without Exception



Conclusion

Often leading the way in the nation, California municipalities are providing healthier living and working environments by enacting smokefree protections in public places, workplaces, and multi-unit housing. In order to limit access to tobacco products in California communities, municipalities are also adopting tobacco retail sales policies; examples include licensing and zoning requirements for retailers, and specific product restrictions, such as flavored tobacco product sales restrictions.

California's Comprehensive Secondhand Smoke, Smokefree Multi-Unit Housing, Comprehensive Tobacco Retail Sales, and Flavored Tobacco policy coverage is impressive and continues to expand. The above data is based on the initial sub-set of questions related to the 2020 CX Indicators. More data, matrices, and lists will be coming in 2021 and beyond. The PETS database can be used to monitor policy trends, evaluate progress, and share best practices.