



# LOS ANGELES CITY COUNCIL

OFFICE OF THE PRESIDENT

ALEX PADILLA

SEVENTH DISTRICT

**Press Advisory**  
**September 5, 2005**

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**Padilla Seeks Crackdown on Tobacco Sales to Children**  
**Ordinance would Quadruple Enforcement Over Next Two Years**  
*Council will Vote on Ordinance Tuesday, September 6*

**What:** Los Angeles City Council will vote on an ordinance to establish a Tobacco Retailer Permit Fee in the City of Los Angeles

**When:** Tuesday, September 6 (Council begins at 10 AM)

**Where:** Los Angeles City Hall - Council Chambers

The ordinance would require retailers who choose to sell tobacco products to pay a \$208 permit fee. These funds would be used to more than double the number of compliance checks in year-one and increase the number of City Attorney staff members dedicated to enforcement of tobacco laws. The fee would be increased to \$274 in year-two in order to further increase the number of compliance checks.

## **Background**

Tobacco use is the leading preventable cause of death in the United States, killing more than 44,000 Californians each year. 74% of smokers start smoking before they are 18 years old. Roughly one-third of all youth smokers will eventually die prematurely from diseases caused by smoking. The annual financial costs attributable to smoking in Los Angeles are \$2.3 billion in direct health care costs and \$2 billion in lost productivity.

While it has been illegal to sell tobacco to minors in California for more than 100 years, lack of enforcement has resulted in continued, widespread illegal sales to minors. A recent compliance survey conducted by the City Attorney's office determined that 39.9% of tobacco retailers throughout the City of Los Angeles are selling to minors. The number grows to 44.3% for retailers located within 1,000 feet of a school.

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Who is selling tobacco to minors? Surveys show that every type of retailer has sold tobacco to minors, from the large grocery chains, to donut shops, to “mom and pop” markets. A survey conducted by the Pacific Institute for Research and Evaluation showed that the highest illegal sales rates were discount stores (75%), followed by doughnut/dairy shops (59.6%), mini-markets (46.7%), gas stations (38.7%), liquor stores (30.8%), supermarkets (27.8%), and gas/convenience stores (13.5%).

### **Elements of Vigorous Enforcement**

There are two key elements to more vigorous enforcement.

1. Compliance checks which involve the use of minors in sting operations. State law essentially prohibits local law enforcement from operating sting operations with minors. Therefore, compliance checks must be conducted by the State Department of Health Services, Food & Drug Branch (FDB). Local governments like the City of Los Angeles contract with the State Department of Health Services to conduct a specified number of compliance checks per year.

In recent years, the City of Los Angeles has contracted with the State to conduct compliance checks. Last year the state conducted 304 compliance checks for Los Angeles. Considering there are more than 5,000 retailers who have been issued permits to sell tobacco, only 6% of retailers are checked each year. **Under the proposed ordinance this number would increase to 700 compliance checks in the first year (2005-2006) and 1,200 per year thereafter resulting in 23% of retailers being checked each year.**

2. City Attorney staff dedicated to enforcement of tobacco laws and follow up. Presently there are only two employees of the City Attorney’s office dedicated to all tobacco enforcement activities. **The ordinance would fund an increase to 7 staff members who would focus their full attention on the enforcement of tobacco laws in Los Angeles.**

### **Strong Enforcement Works**

A Journal of American Medical Association study found that a comprehensive youth access program in Woodridge, Illinois, reduced sales to minors from 70 percent to less than 5 percent in a year and a half, while reducing tobacco use among youth by over 50 percent.

Thirty four cities and counties throughout California have adopted licenses for retailers who sell tobacco products. A recent survey conducted by Contra Costa County demonstrated that the illegal tobacco sales rate dropped from 37% to 2% after their local licensing law was adopted. Contra Costa County charges \$160 for their permits. The City of Sacramento charges a \$300 annual license/permit fee. Sacramento County has a \$287 annual fee. The City of Berkeley has a \$238 annual fee and San Francisco has a \$175 fee. The fees were established to sufficiently fund effective programs including administration of the program and enforcement efforts. The goal of these programs is to change retailer behavior and greatly reduce retail sales to minors.