Updated Law Strengthens Penalties for Tobacco Sales to Minors and Restricts New Tobacco Retail Outlets Near Schools

On November 9th, the Santa Barbara County Board of Supervisors voted unanimously to amend tobacco control sections of Santa Barbara's County Code (Chapter 37A). Changes include restricting new retailers from selling tobacco products within 1,000 feet of schools, strengthening requirements and penalties associated with selling tobacco to youth and increasing tobacco retail licensing fees. These amendments, which will be effective December 9, 2010, will affect tobacco retailers in the unincorporated area of the county.

The goal is to encourage responsible tobacco retailing, and discourage the sale or distribution of tobacco products and paraphernalia to minors.

In the past three years, 31% of illegal sales to minors occurred within 1,000 feet of a school. Supervisor Carbajal who sponsored the ordinance said, “This change is needed to protect the health & safety of children and promote public health.”

A significant change to the law is the fact that retailers located in the unincorporated county area who sell to teens will be subject to a 30-day suspension of their ability to sell and advertise tobacco products. Previously the ordinance required a letter of warning for a first violation. Second violations are subject to a 90 day suspension, and third violations will vary based on an outlet’s proximity to schools. Stores outside of the 1,000 foot school buffer zone face a one year tobacco retail license revocation, while those near schools may have it revoked for five years.

Tobacco retailers in the unincorporated county area will be responsible for paying increased license fees as of January 2011. The increased fees will be phased in over three years, costing $250 in 2011 and 2012 and finally going to $435 in 2013. The annual fee for a tobacco retail license has been $30 since 2002; however, a recent fee study determined that it costs $435 per retailer to administer and enforce this program.

Public Health Department staff will conduct educational site visits with each tobacco retailer during the first few months of the new year to assist them with understanding their responsibilities and the potential consequences of non-compliance.

Anyone with questions regarding illegal sales of tobacco products to minors or the specifics of the new ordinance should call Dawn M. Dunn, Tobacco Prevention Settlement Program Administrator at (805) 681-5407.

###