

Clamping down on lighting up

New tobacco permit would curb sales to kids

BY MARJORIE BEGGS

UNDER 18 and want to buy a smoke? In San Francisco, it soon may not be so easy. Also stymied may be the many people who buy "loosies" — one cigarette at a time. Now a permit to sell tobacco is required, and the enforcement has teeth.

Throughout the Tenderloin, the Mission and many other neighborhoods, single-sale cigarettes have been a big seller at small retailers, even though they've been banned by state law since 1991.

An ordinance requiring every establishment that sells tobacco to get a permit sailed through its first reading at the Oct. 21 Board of Supervisors meeting by a 10-to-1 vote. Lone dissenter Supervisor Tony Hall was concerned that the \$175 annual fee would hit small businesses disproportionately hard.

It's the latest in a string of victories for the activist Tobacco Free Coalition.

Ordinance co-sponsors — Supervisors Sophie Maxwell, Tom Ammiano, Chris Daly, Bevan Dufty and Jake McGoldrick — and dozens of public and private agencies that support the ordinance expected its second reading on Oct. 28 to fly as well and take effect Jan. 1.

Under the ordinance, which amends the city's Health, Business and Tax Regulations codes, mom-and-pops, supermarkets, bars, gas stations, restaurants — any establishment, without exception, that sells tobacco — must file for a permit and pay a \$175 fee annually. The first filing also carries a \$50 admin fee.

"The permit is voluntary," said Alyonik Hrushow, director of the city Health Department's Tobacco Free Project. "Only those retailers that choose to sell tobacco will need to obtain a permit."

The Tobacco Free Project, funded by the state and local Tobacco Master Settlement funds, is part of the DPH Community Health Promotion and Prevention unit. It's responsible for comprehensive tobacco control — reducing exposure to secondhand smoke, limiting tobacco availability, and countering pro-tobacco influences such as tobacco advertising, promotion and sponsorships.

Its budget, \$1.6 million this fiscal year, is less than in the past, said Hrushow, because tobacco usage, and thus the tobacco tax revenues collected by the state, have dropped.

IMPACT IS SIGNIFICANT

Still, Tobacco Free manages to do impressive work, providing \$15,000 grants and technical assistance to community agencies for smoking-cessation projects, and grants of up to \$100,000 for community capacity-building projects, which try to address the tobacco epidemic through community organizing and policy advocacy. One program, for example, persuaded tenant groups to adopt smoke-free housing policies. Another got the sale of tobacco banned on two San Francisco college campuses.

Hrushow is mightily pleased about the tobacco permit ordinance, which, she said, for the first time enables the city to identify who's selling tobacco and regulate its sale, just as with liquor. "It's in the public's interest to have this information about a product that kills. The permit makes establishment owners accountable if they don't comply with tobacco-control laws that are on the books," she added.

Permit holders may not sell to minors, sell loose cigarettes, have self-service displays or flaunt the smoke-free workplace laws. Penalties include three-month to one-year permit suspensions, possible permit revocation, and fines: \$100 for the first violation in a 12-month period, \$200 for the second, \$500 for the third.

Permit proponents say its penalties will succeed where past enforcement did not — especially in reducing the almost 20% of establishments that sell to minors, and in minimizing the number of bars that allow smoking and host ciggie giveaways. And they

hope it will cut the number of nontraditional venues selling smokes — doughnut, ice cream and candy shops, discount gift stores and beauty salons.

The ordinance also may keep San Francisco from losing \$4.5 million in substance abuse block grants, which can be denied to states where tobacco sales to minors exceed 20%.

TEENAGE DECOYS

At an August meeting of the Tobacco Free Coalition, Inspector Rich McNaughton of SFPD's vice crimes division told the group that, since 1999, he's run a program funded by the Tobacco Free Project that uses kids as undercover decoys to smoke out scofflaw tobacco sellers. A teenager goes into a business with an officer — often McNaughton — hovering unobtrusively nearby so the sale can be observed.

"It's a misdemeanor to sell tobacco to minors," McNaughton told *The Extra*, "but it has to be observed. We go to places that have had complaints logged against them, but we also go out randomly, say to all the stores on one street." Illegal sales in bars seem especially pernicious: A 16-year-old decoy who tried to buy cigarettes at 12 bars was successful at six of them.

Most of the work is done after school or in the early evening, and McNaughton said he has about 15 kids working with him regularly. "In the last four years, we've made 2,000 contacts," he said. "Some of those are repeats — we go back after a first citation to see if sales are still going on."

Often they are. In the program's four years, vice crimes has given out 300 citations, some of which led to misdemeanor convictions.

San Francisco is jumping on the permit bandwagon a little late, given its reputation for strong anti-tobacco measures. Thirty-three California cities or counties already require tobacco sale permits, and nationwide there are 214 local ordinances and 14 state laws, Hrushow said.

Four years ago, Supervisor Gavin Newsom introduced a tobacco permit ordinance. "But it wasn't as inclusive as this one, and wasn't at the top of the supervisors' priority list," said Kirk Kleinschmidt, Tobacco Free Coalition co-chair and American Heart Association vice president of advocacy. "Six months ago, with a strong push from the coalition, Sophie Maxwell introduced the ordinance, and there's been virtually no opposition."

PROP. 99

The coalition is an advocacy group staffed by the Tobacco Free Project with members representing about 30 health-related public and nonprofit agencies. It was established in 1990, following the 1988 passage of state Proposition 99, the Tobacco Tax and Health Promotion Act that Big Tobacco strongly opposed.

The act gives 20% of the tobacco tax to counties for health education, to reduce smoking, smoke-

related illnesses and sales to minors. It also requires counties to involve community coalitions in tobacco control and advocacy.

"This new San Francisco ordinance is a huge accomplishment for the city," said Kleinschmidt. "It's a law that ties together many other laws regarding tobacco and will lead to more effective enforcement."

Besides its well-known ban on smoking in all workplaces, San Francisco prohibits cigarette vending machines, advertising on taxicabs and smoking in city park playgrounds; limits outdoor tobacco advertising; and required the San Francisco Employees' Retirement System to sell its tobacco stocks.

The permit ordinance will have other impacts, said Michele Rivero, coalition co-chair and a project coordinator at the American Lung Association of San Francisco and San Mateo. "It will allow us to know who exactly is selling tobacco so we can do more education with merchants."

The coalition's next push, Rivero said, will be to help DPH's environmental health division get out the word to tobacco sellers about the permit ordinance.

"I really think this ordinance, if enforced, will help reduce sales to kids," McNaughton said. "There won't be as much recidivism — if businesses lose their permits, it will affect their livelihood."

Coalition Co-chair Rivero agrees. "I think there will be a lot of compliance. Selling tobacco is profitable, and I don't think merchants will risk losing their licenses just because they neglected to check an ID for a minor." ■

NOTICE OF PUBLIC MEETING On the Preparation of a Draft Environmental Impact Report



You are invited to participate in a public meeting to provide input regarding the development and "scoping" of the upcoming Environmental Impact Report (EIR) related to City College of San Francisco's new Master Plan. The Notice of Preparation of the EIR, along with a description of the Master Plan, and a list of the potential environmental effects, can be obtained NOW.

You can review the documents at:

- Office of the Vice Chancellor of Administration, 33 Gough Street, San Francisco
- Louise and Claude Rosenberg, Jr., Library on the Ocean Avenue Campus, 50 Phelan Avenue
- Deans' Offices at nine other neighborhood campuses and the CCSF campus libraries
- online on the City College's web site at www.ccsf.edu
- Government Information Center, Fifth Floor of the main San Francisco Public Library
- 28 neighborhood San Francisco Public Library branches.

Your input to City College is very important.

When: Wednesday, November 19th, 2003
from 5 to 6:30 p.m.

Where: Pierre Coste Dining Room
City College of San Francisco
50 Phelan Avenue at Ocean Avenue, San Francisco

Contact: Peter Goldstein, CCSF Vice Chancellor of Administration
33 Gough Street, San Francisco
Phone: 415-241-2229
email: pgoldste@ccsf.edu

Please submit your written comments by 5 p.m. on Thursday, November 20th to; the Office of the Vice Chancellor of Administration, 33 Gough Street, San Francisco, CA 94103.