Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Provide Direction Regarding Vaping Regulations. Expenditure: None.

RECOMMENDATION

Recommendation of the Community Development Director that City Council direct staff to include regulation of vaping and flavored tobacco products as part of the previous Council direction to examine prohibition of smoking in multi-family residential units.

BACKGROUND

Council recently gave concurrence to an oral from Councilman Matucci to look at the prohibition of smoking in multi-family residential units. Staff has begun research on ordinances currently in existence regarding prohibition or regulation of smoking in multi-family residential units with an eye to bringing an initial study to the Environmental Quality Commission in November or December.

Since staff began researching smoking ordinances, there have been a number of jurisdictions that have taken action regarding vaping, e-cigarettes and flavored tobacco products, based on an outbreak of vaping related illnesses as well as the prevalence of the practice among youth. Staff therefore would like to examine both issues and requests Council concurrence to move in this direction.

Ultimately, it is anticipated that regulation of vaping and of smoking in multi-family residential units would move forward in separate ordinances, with the regulation of smoking in multi-family residential units being heard first by the Environmental Quality Commission and proposed vaping regulation being heard directly by Council.

ANALYSIS

On October 1, 2019, the County of Los Angeles Board of Supervisors voted to ban sales of all flavored tobacco products, including menthol-flavored products, as a part of an ordinance revising licensing requirements for tobacco shops. On the same day, the City of Long Beach voted to direct their City Attorney to draft an ordinance placing a
temporary ban on flavored tobacco products. The City of Manhattan Beach is currently considering moving in a similar direction, while the City of Redondo Beach is considering a ban on all smoking in public places along with establishing a retail license category specifically addressing tobacco products. These ordinances and proposed ordinances are predicated on the health issues being seen in relation to vaping, including some 805 lung injury cases and 12 deaths cited by the Centers for Disease Control and Prevention, as well as the belief that flavored tobacco products tend to target youth. Some of these ordinances go beyond banning flavored vaping products to include a ban on all flavored tobacco products, such as menthol cigarettes.

The County ordinance takes effect in 30 days and allows a period of 180 days for retail establishments to clear their shelves of flavored product and stop sales. The ordinance does not however ban on-line sales of flavored tobacco products nor does it seek to penalize smokers of such products, beyond those limits that are already in place regarding smoking. The ordinance also establishes regulations requiring a specific tobacco retailing license, over and above the requirements for a business license. In addition to the actual ordinance, the County also voted to call on Governor Newsom to enact a statewide ban on flavored vaping products.

Of the jurisdictions considering or having passed ordinances, some are considering moving forward as an urgency ordinance, while others, such as Beverly Hills have extended the effective date out to 2021. Based on the range of approaches, and noting that the State has specifically not yet taken any action, staff would not recommend a vaping ban as an emergency ordinance, but it could be moved forward directly to Council rather than through the Environmental Quality Commission or a Council sub-committee in order to facilitate adoption, should Council so desire.

The model adopted by Los Angeles County, allowing a 180 day period for retailers to move existing stock, would allow retailers a period for transition, while ultimately resulting in restricted access to flavored vaping and tobacco materials. The City of Torrance holds business licenses for 20 vaping, e-cigarette or tobacco shops, nine of which specifically designate themselves as vape shops. These businesses will need to be notified and included as this process moves forward.

Staff would request direction in the following areas regarding the possibility of an ordinance banning the sales of flavored tobacco products:

- Ban only flavored vaping and e-cigarette products or all flavored tobacco products; and/or,
- Regulate tobacco products to include banning smoking and vaping in all public places and/or consideration of regulation of tobacco businesses to include special licensing and spacing requirements
- Bring a proposed ordinance directly back to Council, the Environmental Commission or a Council Committee for initial consideration
- Accept and file
With direction in these areas, it is recommended that Council direct staff to begin work on an ordinance regulating flavored vaping, e-cigarette and tobacco products.

Respectfully submitted,

DANNY E. SANTANA
COMMUNITY DEVELOPMENT DIRECTOR

By
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CONCUR:

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