

24. Adopt an "Ordinance Amending Sections 5.60.020 and 5.60.090(A) of the Santa Cruz County Code Regarding Administration of Tobacco Retailing License Ordinance," (Approved in concept April 29, 2025) ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Clerk of the Board of Supervisors

Subject: Ordinance Amending Santa Cruz County Code Sections 5.60.020 and 5.60.090(A) Regarding Administration of Tobacco Retailing License

Meeting Date: May 20, 2025

Formal Title: Adopt an “Ordinance Amending Sections 5.60.020 and 5.60.090(A) of the Santa Cruz County Code Regarding Administration of Tobacco Retailing License Ordinance,” (Approved in concept April 29, 2025)

Recommended Actions

Adopt an “Ordinance Amending Sections 5.60.020 and 5.60.090(A) of the Santa Cruz County Code Regarding Administration of Tobacco Retailing License Ordinance,” as approved in concept on April 29, 2025.

Executive Summary

n/a

Discussion

On April 29, 2025, the Board of Supervisors approved the ordinance in concept and scheduled it for second reading/final adoption on May 20, 2025.

Financial Impact

There is no financial impact associated with the recommended actions.

Strategic Initiatives

N/A

Submitted By:

Carlos J. Palacios, County Executive Office

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

ORDINANCE NO. ____

ORDINANCE AMENDING SECTIONS 5.60.020 AND 5.60.090(A) OF THE SANTA CRUZ COUNTY CODE REGARDING ADMINISTRATION OF TOBACCO RETAILING LICENSE ORDINANCE

The Board of Supervisors of the County of Santa Cruz (the “Board”) hereby finds and declares the following:

WHEREAS, the Santa Cruz County Sheriff’s Office, in coordination with the Santa Cruz County Health Services Agency, administers the County’s Tobacco Retailing License Ordinance under Santa Cruz County Code (SCCC) 5.60; and

WHEREAS, in administrating SCCC 5.60, the Sheriff’s Office conducts inspections, investigations, and enforcement activity; and

WHEREAS, the instant amendments to SCCC 5.60 help to ensure that the Sheriff’s Office has the ability to designate Sheriff’s personnel as needed to administer and enforce SCCC 5.60;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

SECTION I

Section 5.60.020 of the Santa Cruz County Code is hereby amended to read as follows:

5.60.020 Definitions.

(A) “Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that a tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or the provision of ingredient information.

(B) “Cigar” means any roll of tobacco wrapped entirely or in part in leaf tobacco or any substance containing tobacco.

(C) “Cigarette” means:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
and

(2) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described herein.

(D) “Compliance Officer” means any County of Santa Cruz Sheriff’s Office employee designated by the Sheriff to enforce the provisions of this chapter.

(E) “Consumer” means a person who purchases a tobacco product for consumption and not for sale to another.

(F) “Department” means the Santa Cruz County Health Services Agency.

(G) “Drug paraphernalia” shall have the definitions set forth in California Health and Safety Code Section [11014.5](#), as that section may be amended from time to time.

(H) “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or similar product. “Electronic smoking device” includes any component, part, or accessory of the device, and includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine.

(I) “Flavored tobacco product” means any tobacco product or tobacco paraphernalia that imparts a characterizing flavor.

(J) “Health Officer” means the Health Officer of the County of Santa Cruz or their designee.

(K) “Labeling” means written, printed, or graphic matter upon any tobacco product or any of its packaging, or accompanying such tobacco product.

(L) “License” means a tobacco retailer license issued by the County pursuant to this chapter.

(M) “Licensee” means any proprietor holding a license issued by the County pursuant to this chapter.

(N) “License fee” means the charge established by resolution of the Board of Supervisors, calculated to recover the reasonable regulatory costs of issuing and administering licenses, retailer education, performing investigations, inspections, and the administrative enforcement and adjudication thereof.

(O) “Manufacturer” means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.

(P) “Package” or “packaging” means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

(Q) “Partially inconsumable cigar” means any cigar containing an embedded component or part commonly referred to or marketed as a filter that is not intended to be consumed, whether it

is made of any material including, but not limited to, plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material.

(R) “Partially inconsumable cigarette” means any cigarette containing an embedded component or part commonly referred to or marketed as a filter that is not intended to be consumed, whether it is made of any material including, but not limited to, plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material.

(S) “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(T) “Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a 10 percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

(U) “Sale” or “sell” means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

(V) “Self-service display” means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

(W) “Tobacco paraphernalia” means any item designed or marketed for the consumption, use or preparation of tobacco products.

(X) “Tobacco product” means:

(1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff;

(2) Any electronic smoking device; and

(3) Any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.

“Tobacco product” does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(Y) “Tobacco retailer” means any person or business who sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, exchanged, or offered for exchange.

(Z) “Tobacco retailing” means selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

SECTION II

Section 5.60.090(A) of the Santa Cruz County Code is hereby amended to read as follows:

5.60.090 Inspections, investigations, and enforcement.

(A) Compliance with this chapter shall be monitored by the Department or any Compliance Officer. Employees of the Department or a Compliance Officer may conduct inspections and investigations, including but not limited to youth decoy operations. All licensed premises must be open to inspection by the Department or any Compliance Officer during regular business hours.

SECTION III

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this _____ day of _____ 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Signed by:

Ryan Thompson

4/3/2025

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Office of the County Counsel

Certificate Of Completion

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Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

4/3/2025 11:34:16 AM

Certified Delivered

Security Checked

4/3/2025 2:58:53 PM

Signing Complete

Security Checked

4/3/2025 3:00:11 PM

Completed

Security Checked

4/3/2025 3:00:11 PM

Payment Events

Status

Timestamps

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