

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 administering 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

4F07BB2FA63D4F5...

Office of the County Counsel

Certificate Of Completion

Envelope Id: F0A868BC-9706-49C9-BA84-1B6A684DE369

Status: Completed

Subject: Complete with Docusign: Ordinance Amending SCCC 5.60.020 and 5.60.090(A).pdf

Source Envelope:

Document Pages: 5

Signatures: 1

Envelope Originator:

Certificate Pages: 4

Initials: 0

Dalissa Escobar

AutoNav: Enabled

701 Ocean Street

Envelopeld Stamping: Enabled

Santa Cruz, CA 95060

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Dalissa.Escobar@santacruzcountyca.gov

IP Address: 63.194.190.100

Record Tracking

Status: Original

Holder: Dalissa Escobar

Location: DocuSign

4/3/2025 11:28:06 AM

Dalissa.Escobar@santacruzcountyca.gov

Security Appliance Status: Connected

Pool: FedRamp

Storage Appliance Status: Connected

Pool: County of Santa Cruz

Location: Docusign

Signer Events

Ryan Thompson

Ryan.thompson@santacruzcountyca.gov

Security Level: Email, Account Authentication (None)

Signature

Signed by:


4F07BB2FA63D4F5...

Timestamp

Sent: 4/3/2025 11:34:16 AM

Viewed: 4/3/2025 2:58:53 PM

Signed: 4/3/2025 3:00:11 PM

Signature Adoption: Pre-selected Style

Using IP Address: 174.160.144.187

Electronic Record and Signature Disclosure:

Accepted: 4/3/2025 2:58:53 PM

ID: fe78ef44-c95f-46ff-b4d6-ec88f01ddfd8

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

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

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.