Two more California cities consider bills banning e-cigarettes, modeled after SF law

Catherine Ho June 26, 2019

Vaping devices at Gone With the Smoke Vapor Lounge in San Francisco. Other Bay Area cities are considering following San Francisco’s lead in banning the devices. Photo: Paul Chinn / The Chronicle

Officials in the Bay Area cities of Richmond and Livermore are considering bills that would ban the sale of e-cigarettes — following in the footsteps of San Francisco city officials, who on Tuesday approved legislation prohibiting the sale of vaping products in the city.

Richmond Mayor Tom Butt is preparing to introduce a similar measure by July 16, said Alex Knox, the mayor’s chief of staff. The proposal, which will be modeled closely after San Francisco’s legislation, would affect 68 tobacco retailers in the city. City staff are still weighing whether the ban would also apply to the online sale of e-cigarettes, as is the case in San Francisco, where the legislation would block the delivery of the products to San Francisco addresses.

“The mayor recognizes the many reasons that e-cigarettes are harmful products, especially for our youth,” Knox said. “The city has already taken a clear stance on prohibiting tobacco products that similarly are designed to be easily consumed and have an increased appeal among youth.
Prohibiting e-cigarettes is a natural follow-up to the flavored tobacco and pack-size restrictions that we put in place last year.”

The Livermore City Council on Monday introduced a bill that would ban the sale of e-cigarettes and e-liquids (such as nicotine cartridges) as part of a broader proposal that would also institute a tobacco licensing program for retailers, prohibit the sale of flavored tobacco products, as well as halt the sale of any tobacco products within 1,000 feet of schools, parks, libraries and day care centers. It does not seek to ban the online sale of e-cigarettes — unless the vaping products come from a store in Livermore.

The City Council is slated to consider the measure at its next meeting on July 8 and, if approved, it would go into effect Aug. 8. It would impact 71 tobacco retailers, according to a City Council staff report.

The ordinance “will be effective in limiting the availability of tobacco products to minors,” the report said.

In 2018, the city of Livermore collected $43,737 in sales tax from stores that sell primarily tobacco products. A reduction in tobacco sales may reduce city sales tax receipts, though the loss may be offset by sales of other products or new stores replacing tobacco retailers, the report found. The ordinance would be reviewed 12 to 18 months after being implemented to review its effectiveness.

Livermore City Attorney Jason Alcala said the proposed legislation, also modeled after San Francisco’s, came out of an effort by public health groups and representatives from local school and parks districts.

Knox, of Richmond, said they haven’t considered whether Juul would, as it has in San Francisco, try to introduce a ballot measure blocking the ban.

“It’s not something we’ve discussed or weighed,” he said. “We’ve had a lot of very progressive regulations we’ve put in place. Sometimes it attracts that kind of opposition but not always. I think the leadership here has been very willing to put their policy priorities forward and not be intimidated by that kind of response.”