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# MEMORANDUM

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Date: August 8, 2019

To: Jan Leshner  
Chief Deputy County Administrator

From: C.H. Huckelberry  
County Administrator

Dr. Francisco Garcia  
Assistant County Administrator

Re: **Tobacco 21 Ordinance**

Much of the criticism of the Tobacco 21 Ordinance is because there was not another stakeholder meeting after the ordinance was drafted – which resulted in a delay.

Hence, I suggest that before the September 17, 2019 Board of Supervisors Meeting, there be at least two stakeholder meetings, with the final meeting occurring one week before the Board Meeting.

Please provide the following information provided to the Board:

- 1) State and County roles in tobacco enforcement;
- 2) details regarding enforcement of underage tobacco and alcohol violators and explanation the differences between the enforcement actions, civil versus criminal;
- 3) enforcement methodology and strategy;
- 4) permitting fee per establishment;
- 5) regarding penalties, please provide a menu from lowest to highest restrictive; a penalty for the buyer should include a tobacco cessation course. The penalty rate should be expanded to a 4<sup>th</sup> violation. The first three should not involve any suspension of an operating license, but should involve exponentially increasing monetary fines, with the 4<sup>th</sup> violation placing the establishment on a list as a chronic violator and permanently suspending their license;
- 6) in addition, to the penalty for the store owner or licensee, there needs to be a financial penalty for the seller, which may be an employee of the establishment;

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- 7) establishing a "bad boy" list for chronic abusers, similar to media publishing of our restaurant inspection results;
- 8) best practices in other jurisdictions for similarly situated communities, i.e, large population with a high percentage of unincorporated population;
- 9) in developing stakeholders, ensure we have not only those who would be regulated but also the advocates of the Tobacco 21 Ordinance.

These are a few suggestions that may advance the policy discussion.

CHH/anc

c: The Honorable Chairman and Members, Pima County Board of Supervisors  
Andrew Flagg, Chief Civil Deputy County Attorney