

GENERAL PLANS & TOBACCO CONTROL IN CALIFORNIA

 Communities thinking about innovative and forward-looking ways to tackle the commercial tobacco¹ epidemic may want to consider land-use planning as a potentially useful tool.

Cities and counties in California are required to do land-use planning, which takes the form of “general plan” development. Unlike ordinances that are often topic-driven, general plans can address tobacco control, health equity, and environmental justice in broad, forward-thinking ways. A general plan acts like a map, laying out a jurisdiction’s plans for where it wants to go, while an ordinance is the vehicle by which it gets there.

What is a General Plan?

A general plan, at its core, is a community-growth process that enables a county or city to create a vision, outline its values, and declare the shape of its future. A forward-looking process, it provides jurisdictions an opportunity to articulate their goals and implementation plans for the future —



particularly when commercial tobacco policies are first considered and adopted. A general plan can also include a jurisdiction’s plans to achieve a smoke and tobacco-free future for its residents, and it can set the tone for furthering equity across all its policies.

General Plan Elements

California requires cities and counties to comply with a general planning framework that reflects statewide land use goals and policies. The general planning process addresses population growth and distribution, development, open space, resource preservation and use, air and water

quality, and other related physical, social, and economic development factors. The general planning process is inherently public health-oriented because it promotes access to clean air and water, green spaces, and recreational areas, and can be used to promote clean transportation, access to healthy food, and safe and healthy housing.

Elements required in general plans

California law² requires general plans to contain the following “elements,” or chapters:

- 1 A **land use element** designates the type, intensity, and general distribution of land uses for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses;
- 2 A **circulation element** identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities;
- 3 A **housing element** assesses current and projected housing needs for all economic segments of the community and embodies policies for providing adequate housing. This must be updated every five or eight years;
- 4 A **conservation element** addresses the conservation, development, and use of natural resources, including water, forests, soils, rivers, and mineral deposits;
- 5 An **open space element** details plans and measures for the long-range preservation and conservation of open-space lands, including open space for the preservation of natural resources, the managed production of resources, agriculture, recreation, and public health and safety;
- 6 A **noise element** identifies and appraises noise problems within the community and forms the basis for land use distribution and determinations;
- 7 A **safety element** establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards, as well as from other concerns such as drought;
- 8 An **environmental justice element** identifies objectives and policies to reduce pollution exposure, improve air quality, promote public facilities, improve food access, advance access to housing, and increase physical activity in identified disadvantaged communities;³ and
- 9 An **air quality element** establishes policies and programs to reduce impacts to air quality in the San Joaquin Valley Air Pollution Control District. Air quality considerations are also required for cities and counties that must include an environmental justice element in their general plans.



Under California law, the first seven elements are required to be part of a general plan. The last two — environmental justice and air quality — are mandated in jurisdictions that meet certain geographic and demographic thresholds.^{4,5} Those elements, however, are not the only ones that may be included in the general plan. Many communities, for instance, have added a specific health or “healthy communities” element to their general plans. Other communities have used community engagement, sustainability, climate change, and equity frameworks in incorporating the required elements in their general plans. The California Governor’s Office of Planning and Research (OPR) has a detailed set of [guidelines](#) pertaining to general plans that is intended to help jurisdictions as they go through the planning and update process.

Why Should General Plans Prioritize Tobacco Control Policies?

One particular area of concern for many communities is how to go about promoting healthy communities and practices that eliminate chronic disease. Yet, in many communities, commercial tobacco policies are overlooked as key ingredients in a public-health and health equity-oriented approach to land-use planning. In fact, commercial tobacco use is still a leading cause of death in the United States, killing more than 480,000 people annually.⁶ In California, 40,000 adults die from smoking-related conditions every year, and for every person who dies from a smoking-related death, at least 30 people live with a smoking-related illness.⁷ While California has made strides in reducing smoking rates among its citizens, the reduction has not occurred

equitably among all demographic groups, with the smallest reductions occurring in American Indian and African American communities, as well as among rural and LGBTQ+ communities.⁸ Because general plans are forward-looking land-use planning documents, they offer communities an opportunity to adopt equitable commercial tobacco policies, goals, and objectives.

How Can Commercial Tobacco Policies Fit into General Plans?

Unlike zoning codes or ordinances, which spell out specific land use requirements and procedures, general plans tend to include broad language and set goals for later action. They do not outline a specific set of requirements or enforcement procedures. Rather, they identify a jurisdiction's policy goals and priorities. For example, a general plan might set goals of adopting place-based tobacco-free policies, such as:

- Tobacco-free multi-unit housing ordinances
- Tobacco-free parks and outdoor-space policies
- Restrictions on the number and density of tobacco retailers in a given location through retail licensing
- Prohibiting the sale of tobacco products in the jurisdiction

In other words, a general plan can direct the development or adoption of a specific goal or policy over a certain period in a jurisdiction. An ordinance, by contrast, would define prohibited conduct and set out specific enforcement procedures. For that reason, there are pros and cons to focusing on general plans: while general plans can help steer a jurisdiction towards committing to longer-term policy goals, they are not going to lead to immediate policy change.

The General Planning Process

All cities and counties in California are required to develop general plans and to routinely update specific elements. In conducting those updates, they need to ensure that the entire general plan and its elements are consistent and compatible.⁹ Developing and updating a general plan can be complex and requires community outreach, input, and engagement. The update process normally begins years before the update is due. The sooner public health advocates can participate in the process, the greater the opportunity they will have to participate in the plan's development.

Creating and developing a general plan will vary somewhat by jurisdiction. For some local governments, the process is guided by a local planning commission with internal staff support.

For other jurisdictions, the process may involve working with a contractor to develop the plan and updates. The Office of Planning and Research’s guidelines recommend that a local general plan start with a “shared community vision that will help set priorities throughout the planning process, and inform decision makers about community values.”¹⁰ Developing a shared community vision necessarily involves community outreach, which can involve seeking input in public spaces like farmers’ markets, events, and local group meetings.

Steps to Consider Taking

To ensure that general plans include strong tobacco control language, public health advocates should consider taking several steps. For example, they could:

- 1 **Get involved in the process early.** Public health advocates should regularly communicate with planners and public officials to learn when general plans are being updated and how to get involved in their development.
- 2 **Develop community partnerships.** Develop relationships with planners, community leaders, and organizations to strengthen the public health voice at the policymaking table.
- 3 **Take a seat at the policymaking table.** Attend public meetings and stay in regular contact with community partners and those involved in the general plan update process.
- 4 **Present research.** Planners may request local data on local tobacco sales, regulation, density, use patterns, and health impacts to better inform the decision-making process.
- 5 **Make specific tobacco control recommendations.** Find and recommend adopting evidence-based tobacco control policies tailored to the community’s goals and vision.
- 6 **Follow up.** Specific goals and policies will not be realized without continued advocacy and pressure by public health advocates. The general plan only identifies goals: policymakers still need to support and proposed specific policy actions in order to make them happen.

General Plans and Endgame

Because general plans are forward-looking, aspirational documents, they offer a unique opportunity to help communities plan for the commercial tobacco “endgame.” “Endgame” initiatives are those designed to change permanently the structural, political, and social dynamics that sustain the tobacco epidemic, in order to end it within a specific time.¹¹

Endgame-focused objectives in a general plan might strive to eliminate all commercial tobacco product sales in a jurisdiction by a certain year. They might also identify “midgame”



policies, which could include ending the sale of all combustible products, ending the sale of all flavored products, ending the sale of products that produce waste, or prohibiting tobacco retailers from locating in economically disadvantaged neighborhoods.

Where to Include Tobacco Control Components?

Communities with tobacco control policy goals in their general plans often include them in the elements that specifically address health. However, they could also fit into housing, land use, air quality, and environmental justice elements as well. Some communities choose to include a specific health element or weave a health focus into all the elements in their plans. Others might identify a specific element (e.g., housing) that is slated to be updated and focus on multi-unit housing specific policies. Please visit the [OPR's guidelines page](#) for examples, model goals, objectives, and programs, as well as helpful information about general plan basics.

Various jurisdictions in California include specific tobacco control language in their general plans. The table at the end of this document provides a few examples of jurisdictions that have tobacco control language in their general plans. If you consider adapting any of the language from these plans, please take care to ensure that that provision is practical and legal in your jurisdiction. The Law and Policy Partnership to End the Commercial Tobacco Epidemic does not endorse or recommend any of these policies. These examples are included simply to show how different communities have approached similar issues and do not necessarily represent “best practices.”

California General Plans with Tobacco Control Language

Jurisdiction: Marin County

General Plan Section

Goal PH-2: Communities Free of Tobacco and Alcohol Dependency, and Other Drug Abuse Problems. Reduce alcohol, tobacco, and other drug use by creating a social and physical environment that supports healthy choices, ensuring access to treatment services and enforcing existing regulations.

Socioeconomic

Policy PH-2.1: Adopt and Enforce Tobacco Control Laws. Continue updating and enforcing tobacco control laws that pertain to location and retailing practices of tobacco stores (that sell to underage youth), smoking restrictions, and smoke-free home and workplace laws.

Policy PH-2.3: Raise Awareness of Alcohol and Other Drug Issues. Reduce positive associations and increase perceptions of harm among youth by changing social norms through supporting a comprehensive, evidence-based prevention approach that includes media, enforcement, education, and policy.

Policy PH-2.5: Increase Tobacco Cessation Services. Ensure that smoking cessation services are available to Marin residents.

Policy PH-2.6: Improve Access to Treatment Services. Ensure that Marin residents have access to affordable, high-quality, culturally relevant, linguistically, geographically, and age appropriate treatment services that reflect the needs of the population and drug abuse trends.

Implementation Program PH-2.g: Provide Tobacco Education. Support public education programs regarding the hazards of tobacco use and secondhand smoke through media and educational events, and by encouraging incorporation of cessation and prevention programs into the protocols of community-based organizations.

Implementation Program PH-2.h: Enhance Youth Tobacco Prevention Programs. Increase school- and college-based prevention programs to discourage tobacco addiction among youth and 18- to 24-yearolds, the fastest-growing group of smokers in California.

Implementation Program PH-2.j: Enforce Tobacco Control Laws. Maintain and enhance the partnership between local law enforcement and the County Environmental Health and Health and Human Services Tobacco Education Program to enforce regulations pertaining to smoking and selling tobacco to minors.

Jurisdiction: Coachella

General Plan Section

Goal 3: Smoke-Free Environments. Reduced negative public health impacts of tobacco smoke.

Community Health and Wellness

Goal 11: Air Quality. Healthy indoor and outdoor air quality through reduced, locally generated pollutant emissions.

Sustainability and Natural Environment

Policy 3.1: Tobacco-free youth. Reduce Coachella youths' exposure to, and interest in, tobacco products through educational programs and events.

Action Description #10: Tobacco retail licensing fee. Adopt a tobacco retail licensing fee and penalties that would allow more stringent oversight and enforcement of tobacco sales to minors.

Policy 3.2: Secondhand smoke. Reduce residents' exposure to secondhand smoke.

Action Description #11: Smoke-free public events and facilities. Ban smoking at outdoor public events and public facilities, including farmers' markets, public parks and trails, and community street fairs.

Action Description #12: Second- and third-hand smoke exposure. Research and adopt an ordinance that bans smoking in multi-unit residential buildings and care/convalescent facilities. Before an ordinance is passed, educate single- and multi-family property owners and managers about the effects of second- and third-hand smoke and encourage them to include anti-smoking policies in rental agreements. Connect property owners to resources (such as model lease language) if they want to ban smoking in their rental units.

Action Description #13: Smoke-free worksites. Write and adopt an ordinance that bans smoking: in outdoor dining areas, within 30 feet of unenclosed waiting areas, within 30 feet of enclosed areas where smoking is prohibited, in hotel rooms, in retail stores dealing exclusively in the sale of tobacco and smoking paraphernalia, and in unenclosed places of employment.

Policy 3.3: Smoking cessation services. Provide opportunities to share bilingual information and services to Coachella residents to assist them in quitting smoking.

Policy 3.4: Liquor and Tobacco marketing. Prohibit stores from placing alcohol and tobacco products near candy and from placing alcohol and tobacco advertisements on exterior signage and below four feet in height (child's eye-level).

continued

Jurisdiction: Coachella

General Plan Section

Policy 3.5: Smoke-free entertainment. Work with Riverside County Department of Public Health to encourage local casinos to ban smoking to protect Coachella residents who work in, and patronize, local casinos. Approach the California Gaming Control Commission about possible tobacco-related modifications to the tribes' Tribal-State Gaming Compacts.

Policy 11.13: Healthy homes. Promote green building practices that support "healthy homes," such as low VOC materials, environmental tobacco smoke control, and indoor air quality construction pollution prevention techniques.

Jurisdiction: San Diego (city)

General Plan Section

Goal 4: Enhance Quality of Life

Smoke-Free
Multi Unit Housing

Objective L: Protect public health and safety

HE-L.3: Consider the adoption of a comprehensive smoke free ordinance for multifamily housing properties that covers the entire property.

Jurisdiction: East Palo Alto

General Plan Section

Goal HE-7. Strive for East Palo Alto to be a smoke-free community.

Health and Equity

Policy 7.1: Smoking in public spaces. Prohibit smoking in public buildings and public spaces such as parks, open spaces, and outside of public buildings. The ban would cover cigarettes, cigars, medical marijuana, and similar products.

Policy 7.2: Anti-smoking ordinances. Establish local policies protecting smoke-free multi-unit housing, such as prohibiting smoking in residential buildings controlled by the local housing authority, establishing jurisdiction-wide prohibitions of smoking in multi-unit buildings, and affirming by local ordinance that landlords may establish smoke-free rental units.

Policy 7.3: Second-hand smoke. Develop programs and regulations that discourage and prohibit smoking to address second-hand smoke.

Policy 7.4: Limitations on retailers. Within legal frameworks, take steps to limit the number of tobacco retailers in East Palo Alto and limit advertising for tobacco products, especially near schools.

Policy 7.5: Advertising. Encourage store owners to remove tobacco signage from shop windows.

Jurisdiction: Santa Clara County

General Plan Section

Policy HE-B.18: Density and location of tobacco retail outlets. Encourage and support cities to restrict the number of tobacco retailers near schools, other youth-populated areas, and areas with a high density of existing tobacco retailers.

Health-Social and
Emotional Health

Health/Healthy
Housing

Policy HE-B.19: Tobacco retail licensing. Encourage and support cities to create a tobacco and/or electronic smoking device retail licensing policy that earmarks a portion of the license fee for enforcement.

Policy HE-B.20: Distribution and redemption of coupons. Support restrictions on the distribution and/or redemption of coupons, gift certificates, gift cards, and rebates for tobacco and electronic smoking devices.

Policy HE-B.21: Electronic smoking devices. Encourage and support cities to include electronic smoking devices in all existing smoking and tobacco policies, regulations, and education programs.

Policy HE-B.22: Flavored tobacco and electronic smoking products. Support the elimination of the sale and distribution of mentholated cigarettes and/or other flavored tobacco and electronic smoking products.

Policy HE-B.23: Tobacco-free pharmacies. Encourage and support retailers, service providers, and cities to eliminate the sale of tobacco products, including electronic smoking devices, in places where pharmacy and/or other health care services are provided by a licensed health care professional (e.g. hospital, vision screening, blood pressure screening).

Policy HE-B.24: Smoke-free colleges and universities. Support and encourage local colleges and universities to create smoke-free campuses, including restricting the use of electronic smoking devices.

Policy HE-B.25: Secondhand smoke. Encourage and support cities to reduce residents' exposure to secondhand smoke by banning use on government property and public spaces and events, including outdoor dining and service areas, entryways, farmers' markets, plazas, and community street fairs (NOTE: Policy HE-E.9 addresses smoking in parks and HE-H.3 addresses multi-unit housing).

Policy HE-B.26: Tobacco cessation services. Support and increase the number of programs, clinics, and social service agencies that implement evidence based tobacco cessation treatment services.

continued

Jurisdiction: Santa Clara County

General Plan Section

Policy HE-H.3: Tobacco-free multi-family housing. Coordinate with cities and other stakeholders to establish tobacco-free housing, and prohibit smoking in multi-family residential housing.

Policy HE-E.9: Smoke-free parks. Encourage and support local jurisdictions in establishing smoke-free parks and recreational areas.

Jurisdiction: Vallejo

General Plan Section

Policy CP-1.9: Secondhand Smoke. Limit exposure to secondhand smoke, including from electronic smoking devices.

Health/Community
and People

Policy CP-1.10: Tobacco Sales and Children. Protect children by restricting the location of tobacco sales.

Action CP-1.9A: Work with GVRD and Solano Public Health to expand the City's existing ordinance prohibiting smoking in its parks to: 1) include electronic smoking devices; and 2) apply it to transit stops and other public outdoor spaces.

Action CP-1.9B: Work with Solano Public Health and other community partners to consider adopting an ordinance regulating smoking in new and existing multi-family units.

Action CP-1.10A: Amend City regulations to require use permit review to consider the potential negative impacts of uses proposing to sell tobacco in proximity to schools and other youth-serving facilities, and in areas with existing tobacco retailers.

Action CP-1.10B: Consider establishing an annual fee on tobacco retailers to fund a regular monitoring program to increase compliance with tobacco related laws.

Jurisdiction: Tuolumne County

General Plan Section

Goal 2F: Promote green building design and encourage housing development that is consistent with the County's Healthy Communities Policies.

Housing

Goal 10C: Reduce secondhand smoke exposure to residents in multiunit housing developments.

Healthy Communities

Policy 2.F.4: Encourage new multi-family developments to include smoke-free policies to limit residents' exposure to the harmful effects of second-hand smoke.

continued

Jurisdiction: Tuolumne County

General Plan Section

Implementation Programs 2.F.f: Smoke-Free Housing. Explore the development of incentives for landlords who implement voluntary smoke-free policies in residential properties, such as discounts or waivers on administrative fees (such as certificate of occupancy or inspection fees).

Policy 10.C.1: Create a safe environment for residents of multi-unit housing developments by reducing exposure to secondhand smoke.

Implementation Program 10.C.a: Encourage new multi-family developments to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.

Implementation Program 10.C.b: Explore the development of incentives for landlords who implement voluntary smokefree policies in residential properties.

Implementation Program 10.C.c: Consider amending and updating the Clean Indoor Air and Health Protection Ordinance, Chapter 8.36 of the Tuolumne County Ordinance Code, to support smoke-free multi-unit housing.

Implementation Program 10.C.d: Consider implementing at County policy to prohibit smoking on all County-owned campuses and facilities.

Jurisdiction: West Sacramento

General Plan Section

HC-4.7: Combating Drug and Alcohol Dependency. The City shall coordinate with Yolo County and participate in community service programs that aim to combat tobacco, alcohol, and drug dependency.

Healthy Community

HC-4.8: Tobacco Education. The City shall support public education programs regarding the hazards of tobacco use and secondhand smoke through media and educational events, and by encouraging community-based organizations to provide treatment and prevention programs.

HC-4.9: Tobacco Control Laws. The City shall continue to update or enforce tobacco control laws that pertain to location and retailing practices, smoking restrictions, and smoking-free home and workplace laws.

Jurisdiction: Colusa County

General Plan Section

Goal HO-4: Equal Access to Safe and Decent Housing for All Income Groups

Housing

Program HO 4-4: In attached housing development projects consider the inclusion of tobacco control restrictions to prevent second hand smoke impacts.



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Endnotes

- 1 The Public Health Law Center recognizes that traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. Comparatively, commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit <http://www.keepitsacred.itcml.org>. When the word “tobacco” is used throughout this document, a commercial context is implied and intended.
- 2 Cal. Gov’t Code § 65302.
- 3 This element is required if the city or county has a “disadvantaged community,” as defined by Cal. Gov’t Code § 65302. That particular law, “The Planning for Healthy Communities Act” commonly referred to as “SB 1000,” recognizes that low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks. Even if a community is not required by law to incorporate environmental justice considerations into its general plan, all communities are encouraged to incorporate polices that eliminate environmental injustices—including those caused and perpetuated by tobacco use and disposal.
- 4 The environmental justice element is required if the city or county has a “disadvantaged community,” as defined by Cal. Gov’t Code § 65302. That particular law, “The Planning for Healthy Communities Act” commonly referred to as “SB 1000,” recognizes that low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks. Even if a community is not required by law to incorporate environmental justice considerations into its general plan, all communities are encouraged to incorporate polices that eliminate environmental injustices — including those caused and perpetuated by tobacco use and disposal.
- 5 The air quality element is required of jurisdictions within the San Joaquin Valley Air Pollution Control District. However, given that air quality is impaired in many areas throughout California, particularly in communities of color and low-income communities that are disproportionately exposed to pollution, all communities are encouraged to take into account air quality in their land-use planning decisions.
- 6 U.S. Dep’t of Health and Human Services, *THE HEALTH CONSEQUENCES OF SMOKING — 50 YEARS OF PROGRESS: A REPORT OF THE SURGEON GENERAL* (2014).
- 7 Campaign for Tobacco Free Kids, *The Toll of Tobacco in California*, <https://www.tobaccofreekids.org/problem/toll-us/california> (last updated Oct. 20, 2020).
- 8 See, e.g., California Dep’t of Public Health Tobacco Control Program, *California Tobacco Facts and Figures* (2019), <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsandFigures2019.pdf>.
- 9 Cal. Gov’t Code § 65300.5 (2018).
- 10 Cal. Office of Planning & Research, *General Plan Guidelines* 11 (2017).
- 11 Ruth Malone et al., *Tobacco Control Endgames: Global Initiatives and Implications for the UK*, Cancer Research UK (2014).