

THE CITY OF GUADALUPE

Comprehensive Tobacco Control Policies

 The City of Guadalupe took steps to protect the health of its residents by adopting and implementing two comprehensive tobacco control ordinances that include smoke-free outdoor air, smoke-free housing, and tobacco retail licensing policies.

The City of Guadalupe is located on California's central coast in Santa Barbara County. The city's current population is 7,451.¹ Prior to 2020, the city had no local tobacco² control policies in place. The city's collaboration with the Santa Barbara Public Health Department and the Guadalupe Police Department helped the city transition from having no tobacco control policies to having some of the most progressive local tobacco control policies in the state.

A Reflecting City

In January 2020, the American Lung Association released its annual report, *State of Tobacco Control 2020: California Local Grades*,³ which



Photo: [City of Guadalupe](#)

tracks the progress of each county and incorporated city in California on tobacco control measures. The report grades jurisdictions on their smoke-free outdoor air policies, multi-unit housing policies, and tobacco retail policies, and provides the opportunity to gain bonus points on emerging issues such as restrictions on the sale

of flavored tobacco products, retailer density, and tobacco free pharmacies. In the 2020 report, the city of Guadalupe received an F grade in every category, due to its lack of local tobacco control policies. These failing grades captured the attention of city officials and motivated the city to improve its community's health by adopting local tobacco control measures.

Proposing the Policies

After reviewing the American Lung Association's *State of Tobacco Control 2020: California Local Grades*, Guadalupe Mayor Ariston Julian was so displeased with the city's grades that he quickly worked to bring an ordinance to the city council. City staff reached out to the Santa Barbara Public Health Department's local tobacco control program to provide educational information and to assist in drafting policy language. The policy aim was to address all policies covered in the *State of Tobacco Control 2020: California Local Grades* report. With assistance from the Public Health Law Center, the city's proposed tobacco retailer licensing policy provisions were modeled after the Comprehensive Tobacco Retailer Licensing Model Ordinance⁴ and its proposed smoke-free outdoor public places and smoke-free multi-unit housing policy provisions were tailored to the community's needs. On July 28, 2020, by unanimous vote, the City of Guadalupe passed two ordinances: one on tobacco retail licensing and a second on smoking in public places and multi-unit housing.

Adopting the Policies

The tobacco retail licensing ordinance adopted by the city prohibits the sale of flavored tobacco products — including menthol; establishes a minimum pack size and pricing; prohibits the redemption of coupons; restricts retailer locations; and prohibits the sale of tobacco in pharmacies.⁵

The smoke-free ordinance adopted by the city prohibits smoking in public places such as dining areas, public events, service areas, entryways, sidewalks, and recreation areas.⁶ In addition, the ordinance protects residents from exposure to secondhand smoke in multiunit residences by prohibiting smoking in new and existing units of apartments, condominiums, and common areas.⁷

Tobacco Retail License Policy

A comprehensive tobacco retailer licensing policy that combines flavor, pricing, packaging, and retailer location restrictions enables the City of Guadalupe to limit customer exposure and accessibility to tobacco products. The policy protects youth, in particular, who are attracted to flavored tobacco products, are price-sensitive, and frequent school neighborhoods where retailers may be located. It also prohibits anyone under the age of 21 from selling tobacco products.





“I have to start from the top, I had a mayor who was committed from an ‘F’ to an ‘A.’ He gave me the reins.” – Chief Cash, Guadalupe City Chief of Police

Tobacco Retail License Ordinance Overview

Tobacco Retail License	Fees: \$418 application, \$418 annual renewal
Sale of Flavored Tobacco Products Prohibited	Includes: Mint, Menthol, Wintergreen, ESD and other “Characterizing Flavors”
Minimum Pack and Price	\$10/pack of cigarettes \$10/pack of 20 little cigars \$30/pack of six (6) cigars
No Coupons/Discounts/Deals	Full retail price for all tobacco products
No Tobacco in Pharmacies	All tobacco products
Proximity to Youth-Oriented Area	Minimum 1,000 ft. restriction

As part of the implementation process, the Santa Barbara Public Health Department notified tobacco retailers thirty days before the ordinance would take place. The department sent retailers a copy of the policy, educational materials prepared by the Santa Barbara Public Health Department, a list of tobacco products no longer in compliance, and information on applying for a tobacco license. The police department also visited retail store owners and provided them with additional copies of the educational materials ahead of the policy's implementation date.

Enforcement

The tobacco retail licensing fee covers administrative and enforcement costs, which include monthly compliance checks. The ordinance also presents retailers with financial deterrents to hold them accountable for any non-compliant tobacco products found in their establishments. Law enforcement's monthly visits to all eight retailers in the city has helped police establish a positive relationship with retailers.

Enforcement fines and penalties

Violation within 5-year period	Penalty
First violation: \$100	License suspended for 30 days
Second violation: \$200	License suspended for 90 days
Third violation or more: \$500	License suspended 1 year

As part of the application process, retailers retrieve their license applications and renewal applications at the police station, along with educational brochures.

In addition, the police department has taken steps to provide schools with these educational packets to schools to ensure that noncompliant tobacco products (such as flavored products, including menthol) are not reaching the hands of youth. This two-pronged approach has proven successful, as the whole community has committed to protecting the health of residents and all eight retailers have remained in compliance since the implementation of the tobacco retail license ordinance.



Smoke-Free Outdoor Air Policy

In 2006, the U.S. Surgeon General reported that, based on multiple studies, no level of exposure to secondhand smoke is risk-free.⁸ Recognizing the health dangers of secondhand smoke, the City of Guadalupe acted swiftly to pass strong smoke-free requirements for outdoor areas and multi-unit housing to reduce secondhand exposure to tobacco toxins.

Smoke-Free Outdoor Air Ordinance Overview

Outdoor dining areas	Public events	Service areas	Outdoor worksites
Entryways (doors, windows, building openings)	Recreation areas	Commercial sidewalks	
Violation		Penalty fee	
Each incident of smoking violation		\$100	
Chapter violation by city civil fine		\$250-1,000	

Enforcement

Violations for smoking in public spaces are counted per incident, and chapter violations to the ordinance are punishable by a civil minimum fine of \$250, but no more than \$1000. Individuals under the age of 21 who smoke in violation of the policy are only subject to non-criminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or similar penalties that the City deems appropriate. The police department or designee is responsible for enforcing the ordinance.

The collaborative approach taken by the police department, the health department, retailers, and community members has resulted in continued compliance and no citations to date. Guadalupe's Chief of Police attributes the ordinance's success to the city government's commitment to the adoption of a comprehensive policy.

Multi-Unit Housing Policy

The city's local smoke-free ordinance for multi-unit housing protects tenants and staff from the health risks caused by exposure to secondhand smoke. Under the ordinance, landlords and homeowner associations for condominiums must provide current and prospective tenants written notice clearly stating that units are smoke-free, including enclosed and unenclosed areas such as balconies, porch, decks, or patios. In addition, landlords and homeowner associations must provide tenants a copy of the policy, including its effective date, and post "No Smoking" signage in common areas and locations where smoking is prohibited. Those who violate the policy are subject to a penalty fee of \$100 per incident and possible civil action brought by the city. Each incident of smoking on residential property is considered a nuisance.

Compliance with the policy has been a community effort and no formal complaints to date have been submitted to the police department. The police department credits the community's compliance in large part to educational efforts and the community's acceptance of greater tobacco control.

Success

The City of Guadalupe has demonstrated that the combined efforts of a determined city council and an involved and committed community can result in the successful adoption and enforcement of a comprehensive tobacco control policy. In the state's 2021 State of Tobacco Control report, Guadalupe received "A" grades in the categories of smoke-free outdoor air, smoke-free housing, tobacco product sale reductions, and flavored tobacco product

restrictions, and it received the highest number of points possible on emerging tobacco issues.⁹ The city's immense turnaround in its adoption of strong, comprehensive tobacco control measures reflects its commitment to protecting and prioritizing the health of the community and sets an example for other California jurisdictions.

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Endnotes

- 1 Data U.S.A. Census Place, Guadalupe, CA (2019), <https://datausa.io/profile/geo/guadalupe-ca>.
- 2 The Law and Policy Partnership to End the Commercial Tobacco Epidemic 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.itcmi.org>. When the word "tobacco" is used throughout this document, a commercial context is implied and intended.
- 3 Am. Lung Assoc. in California, *State of Tobacco Control: California* (2020), [State of Tobacco Control 2020 California Local Grades](#) (lung.org).
- 4 Public Health Law Center, *Comprehensive Tobacco Retailer License* (2020), <https://www.publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf>.
- 5 Guadalupe, CA Municipal Code, Chap. 5.53, Licensure of Tobacco Retailers, <https://qcode.us/codes/guadalupe>.
- 6 Guadalupe, CA Municipal Code, Chap. 8.70, Smoking in Public Place and Multi-Unit Housing, https://library.qcode.us/lib/guadalupe_ca/pub/municipal_code/item/title_8-chapter_8_70?view=all#title_8-chapter_8_70-8_70_100.
- 7 *Id.*
- 8 U.S. DEPT. HEALTH AND HUMAN SERVICES, THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE. A REPORT OF THE SURGEON GENERAL (2006), www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm.
- 9 Am. Lung Assoc. in California, *State of Tobacco Control: California* (2022), <https://www.lung.org/local-content/ca/state-of-tobacco-control/2022/sota-22>.