

Officials don't understand resistance to tobacco law

Coachella, DHS only cities to adopt program

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K Kaufmann • The Desert Sun • February 4, 2008

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Riverside County Health officials say they can dramatically reduce cigarette sales to teens without costing cities a cent.

So why aren't more valley cities interested?

Since county supervisors voted to adopt the tobacco retailer licensing program in the unincorporated areas in 2005, half of the 24 cities have opted in.

But most are in the western half of the county, said Robert Peterson, coordinator of tobacco licensing. Only two - Coachella and Desert Hot Springs - are in the Coachella Valley.

"This is one of those issues I don't see too many other sides to," he said. "It's no cost to cities. It's no cost to taxpayers. What are we going to do in revenue lost by kids not buying tobacco?"

The county program requires tobacco retailers to cough up \$350 for a special license. The money goes to the health department to monitor cigarette sales to minors, primarily by sending undercover teens into stores for regular sting operations.

Stores caught selling to minors face losing their license and the right to sell tobacco for periods ranging from one to three months, a provision that gives the law real teeth, Peterson said.

In Desert Hot Springs, a health department sting operation in April found 27 percent of stores still selling to teens.

The DHS City Council joined the program in September, and sales to teens fell to 10 percent in the most recent round of stings in early January, Peterson said.

But elsewhere in the valley, many grocery and convenience stores and other tobacco retailers still sell to teens, he said.

The health department, in an effort to illustrate to cities the need for more enforcement, conducts stings in nonparticipating cities.

In September, the department found rates across the valley ranged from 70 percent in Cathedral City to 50 percent in Palm Desert. Palm Springs scored 60 percent, and Indio 58 percent.

Second thoughts?

Desert Hot Springs Mayor Yvonne Parks, herself a smoker who has tried to quit, was thrilled with her city's progress.

"Anything we can do to prevent the youth from having access (to cigarettes) is a good thing," she said.

She recalled little opposition from area stores when the council passed the law, but some retailers are having second thoughts.

"Why do they have two departments to check small businesses?" said manager Munawar Chaudhry, pointing to the licenses from the state Board of Equalization and the county health department that hang on the wall of his Desert Hot Springs shop, Tobacco For Less.

Large signs fill the windows of the Palm Drive business, the bright yellow warnings against adults buying for minors posted just above an even larger list of discount cigarette prices. A handwritten sign at eye level on the front door is more explicit: "Under 18 not allowed."

"If someone comes, we tell them not to come in," Chaudhry said, referring to teens who may try to buy at the store anyway.

Some desert cities see the county licensing program as unnecessary.

More localized control

Palm Desert, which passed its own tobacco licensing law in 2003, decided against adopting the tougher county ordinance despite the high number of stores that Peterson and his decoys found selling to teens in the city.

"We think local control is better," Assistant City Manager Sheila Gilligan said. "We know our business best. We know how to work with them."

Code enforcement officers inspect all tobacco retailers twice a year, and find fewer violations than the county, said Hart Ponder, Palm Desert's enforcement manager.

A round of inspections in January ended with four stores receiving citations for having more than the 14 square feet of signs allowed for tobacco advertisements, and a clerk at one shop was caught selling to minors.

But, Ponder said, no one lost their licenses.

"We went to the manager; he was very cooperative," he said. "He ended up firing the clerk."

State laws ineffective

When the Riverside County Board of Supervisors first considered adopting a strict new tobacco licensing law in 2005, sales to teens across the region were at about 44 percent, recalled Supervisor Roy Wilson, himself a former Palm Desert councilman.

Advocates - including Peterson - argued that state laws, on the books for more than 100 years, weren't doing the job because they leave enforcement to local police departments that rarely have the funds or staff for regular monitoring.

The old law also targets individual clerks caught selling to minors rather than store owners. And the fines, topping out at \$6,000, are hardly a deterrent, given the high profits the stores earn from selling smokes.

The National Association of Convenience Stores reports annual cigarette sales of about \$400,000 per store.

"We felt this program, where we licensed the tobacco retailers, would have penalties if they sell to minors," Wilson said. "The idea is to regularly provide sting operations."

It's also a bargain for cash-strapped cities and police departments, he said, because the program is funded entirely from the licensing fees retailers pay.

"Set up your own programs if you can do it for less money," Wilson said. "Our only goal is to protect the health of children by keeping them from this habit at an early age."

'It's good business'

Sales to minors in areas covered by the law have fallen to an average of 9 percent, Peterson said. The average for cities without the laws is 52 percent, he said.

Riverside was the first county in the state to adopt the tougher licensing law, coupling regular stings with a credible threat of license revocation - and the accompanying loss of lucrative tobacco sales, said Jack Nicholl, a consultant for the Center for Tobacco Policy and Organizing.

The success of the program has made it a model for others jurisdictions, Nicholl said.

"When you realize how much money (is involved), the (tobacco retailers) are deathly afraid of these revocations," he said. "When the ordinance passed, then the retailers began to pay attention."

But Jeff Lenard, vice president of the National Association of Convenience Stores, countered that most convenience stores already have a strong commitment - and incentive - to not sell to minors.

"It's not just because it's the law; it's good business," Lenard said. "You can lose a business real fast if you're not respected in the community, and there is no business that is more part of any community than convenience stores."

At Desert Food Mart in Desert Hot Springs, owner Abdul Hadi said he wishes that 21 was the legal age for buying cigarettes as well as alcohol.

Standing behind a counter displaying at least four different signs warning that IDs will be checked, Hadi said cigarettes make up only about 6 percent to 7 percent of his sales.

"We don't encourage (tobacco sales)," he said. "If they're 19 or 20, you can't help it."

Wilson remains disappointed that more desert cities have not joined the program.

"I've always felt the Coachella Valley was a progressive region in the county, and our cities were not only environmentally sensitive but health-sensitive," he said. "I thought they would welcome something like this that would protect the health of young people."

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mbaxter@co.riverside.ca.us wrote:

Great ideas in my opinion, BOTH surfandsandplay's idea to outlaw tobacco and the tobacco licensing idea in the article. Problem with outlawing tobacco though is it's hard to enforce at the level of individual user. Think about how resource intensive it is for police to cite marijuana users, and do you still think there are some out there? More teen actually smoke marijuana than tobacco these days. Schools have education to target small kids before they move into the teenage years which has about 150,000 teenagers. Licensing is another piece of the same puzzle to keep our 2000-3000 tobacco merchants in Riverside County following the law.

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[surfandsandplay](#) wrote:

Just what we need, more government. Why would small business pay for more of what doesn't work now? If the idea is to "protect" the kids, instead of more government, why not just get rid of tobacco products? The kids wouldn't have access to the product and when they become adults, the product won't exist. How simple is that? Oh wait, I forgot, our government allows carcinogens to be sold so the tax dollars can be collected. Why would they want the kids not to have tobacco as they are the up and coming tax base?

Follow the money. More fines mean more for the government on top of the basic taxes.

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