

Board, council unable to agree on tobacco regulations

April 4, 2022



The Del Norte County Board of Supervisors and Crescent City Council failed Tuesday night to reach a consensus on how to proceed with a proposal to ban flavored tobacco products and enact a tobacco retail licensing requirement.

The joint meeting was held at the Wastewater Treatment Facility before a standing room only audience that included health officials, community leaders and perhaps two dozen Del Norte High School students, many who addressed the local government officials during public comments portion of the meeting.

The board of supervisors and the city council were each strongly divided on how to locally address what had been described as the tobacco industry's clever attempt to get young people addicted to nicotine by the wide availability of flavored tobacco and vaping products. Such products are sold locally in gasoline service stations, liquor stores, smoke shops and pharmacies.

Although current laws prohibit the sale to minors, teenagers often obtain the tobacco products from family members and others who purchase the products legally.

Del Norte County Counsel Joel Campbell-Blair presented a Tobacco Retail License Model Ordinance that could have been used as a template to tailor a local ordinance agreeable to both the city and county.

The model ordinance proposed a density limitation on tobacco retailers, either by limiting the number of retail tobacco licenses issued based on population, and/or by requiring tobacco retailers to be located away from schools, playgrounds and other places where youth congregate, similar to local cannabis dispensary regulations. The model ordinance also proposed advertising and store display restrictions.

The inability for either governing body to reach its own consensus on any plan to limit tobacco sales meant that further action was stalled.

Board and council members were sharply divided within their own membership. Council members and supervisors on one side supported an increase in local control, a ban on the sale of flavored tobacco and vaping products, and limiting the retail sale of tobacco to businesses licensed for such sales. Council members and supervisors on the other side stated that existing state and federal laws, when enforced, were adequate to address the issue, and that further local regulation would constitute government overreach.

Crescent City Police Chief Richard Griffin said increased enforcement would create both a fiscal burden for the community, and a physical burden for police and sheriff's deputies who are already overworked due to the difficulty of recruiting persons who want to serve as police officers.

Students expressed concern that vaping at school is out of control; school restrooms have become a popular place to consume the tobacco products. But schools are not the only place where young people gather to consume tobacco products, according to one retired teacher.

"Kids are vaping everywhere: the rivers, the fairgrounds and the beach." She added that further regulation would mean that youth tobacco consumption would happen "way less."

A local business owner disagreed. "Too much regulation won't do much," he said. "Kids do what parents don't want (them) to do. They are curious." Regulations "won't stop them from trying."

Mayor Jason Greenough said tobacco regulation should be done at home by parents. Councilman Beau Smith agreed: "Let me be responsible for my kids."

Councilman Blake Inscore was offended by those who claim that "we want to take your rights away." The "government overreach" argument was used when child car seat and vehicle seat belt requirements were imposed, he said.

Tobacco use is "a growing epidemic affecting young people" who will be destined "to a life of addiction." Inscore added. "This concerns me. Those who are not concerned don't belong in public office."

A measure on the November ballot will give voters an opportunity to weigh in on the issue. Some officials stated it is better to wait for the election results than go to the expense of preparing and acting upon a local ordinance that may be affected by what voters decide.

Supervisor Valerie Starkey wondered how many more young people would become addicted to nicotine in the meantime, if local government doesn't take action.

As the Del Norte High School students observed, sometimes in government action is no action, and no action is action.

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