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Dedicated to ZERO Tobacco Deaths

Phasing Out the Sale of Tobacco Products **CASE STUDY**



Advancing Momentum for a Tobacco-Free California

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Background

The vote in the Manhattan Beach City Council to outlaw the sale of tobacco products was the latest step in a lengthy process by Manhattan Beach legislators to improve public health by restricting access to harmful products. Like Beverly Hills, the first city to take the historic step of outlawing the sale of tobacco products, Manhattan Beach has long been a proponent of banning the sale of products that harm the public and the environment, such as plastic bags and styrofoam/polystyrene. Prior to their focus on tobacco products, the city council first began utilizing legislative action to regulate tobacco use in 2004, and by 2014 the city had restricted the use of tobacco and vaping products in “the City’s beach, the Strand, the greenbelt, all other public places, places of employment, and multi-unit residences.”¹

These regulations were followed in 2016 by laws requiring retailers that sold tobacco products to pay annual licensing fees, and a ban on sale of all flavored tobacco products, exempting only menthol. Despite possessing some of the most comprehensive smoke-free air regulations nationally, the Manhattan Beach City Council still thought that it could do more and decided to investigate a ban on the sale of tobacco products within the city. In support of addressing the public health crisis arising from the sharp increase in the use of vape products, on November 5, 2019, the City Council voted to prohibit the sale of all flavored tobacco products and electronic smoking devices in Manhattan Beach. Menthol cigarettes are included in this ban.

As these conversations progressed, several council members wondered why regulations should stop with vaping products. Councilmembers Napolitano and Montgomery were the two Councilmembers to make an initial request to discuss a complete ban of the sales of tobacco products. With the support of Mayor Nancy Herzman the

council was able to bring legislation under consideration. On February 18, 2020, the City Council adopted an ordinance prohibiting the sale of all tobacco products after December 31, 2020. A hardship exemption could be requested by retailers. This would give them the opportunity to demonstrate that they need more time in complying with the ordinance beyond 2020.

As of January 1, 2021, businesses are no longer permitted to sell tobacco products of any kind, including vape products. Hardship exemptions were granted to several businesses until June 30, 2021, at which time the products must be phased out completely (Table 1).

Table 1. Manhattan Beach businesses that could continue selling tobacco products until June 20, 2021.

| Business Name | Location |
|----------------------------|---------------------------|
| Current Events | 1140 Highland |
| Players | 2804 Highland |
| Manhattan Beach Smoke Shop | 1005 Aviation |
| Aviation Liquor | 975 Aviation |
| 7-11 | 1221 Artesia |
| Arco/AM-PM | 1002 Manhattan Beach Blvd |
| United Pacific Gas Station | 2121 Highland |

¹ Evains, Tyler. Daily Breeze. “Manhattan Beach Moves One Step Closer to Overall Tobacco, Vape Ban” (2020).

Recent History of Tobacco Control in Manhattan Beach

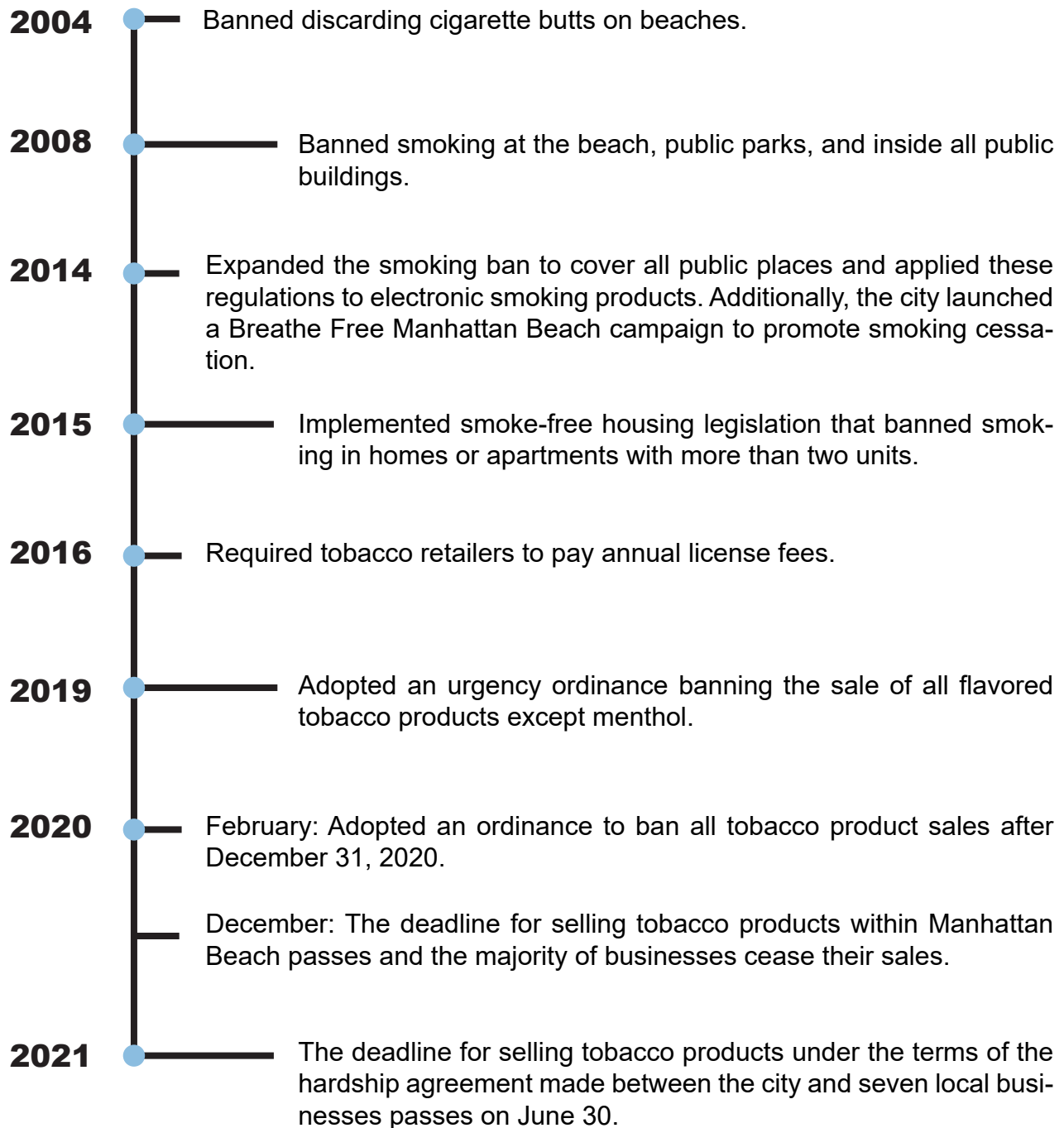




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Strengths

The Manhattan Beach City Council and its residents have consistently worked together on a broad range of issues to safeguard the health of their community and the environment. Prior to passing the ban on tobacco product sales, Manhattan Beach had already restricted their use in public, as well as banned the sale of most flavored tobacco products. The Manhattan Beach City Council has passed several comprehensive ordinances concerning plastic and emerged as an environmental leader that other cities look to for best practices in plastic pollution reduction. With heavy support from its citizens, the city had implemented sales bans on environmentally harmful products including plastic bags and straws, styrofoam, and polystyrene. Regulations started in 2008 with a ban on plastic bags which led to many other regulations such as a 2013 ban on polystyrene, to 2018 with a ban on single-use plastic straws and utensils. Most recently in 2019, Manhattan Beach has tackled plastic pollution by addressing meat trays and balloons, which can harm wildlife.²

In the eyes of many members of the city council and general community, fully banning tobacco product sales was the next logical step in the process of safeguarding the public and the environment.

The process to end tobacco product sales began

within the City Council and quickly garnered support, leading to passage on February 18, 2020. When responding to criticism of the proposed legislation, a member of the council remarked that “I look at the other things that we’ve banned for environmental purposes, like styrofoam and plastic straws,” he said, “and yet somehow we’re going to draw the line at the single deadliest consumer product ever sold?”³

Manhattan Beach sought to support the businesses most affected by the tobacco sales ban and implemented several measures before the sales ban went into effect. By providing these businesses with the opportunity to apply for a hardship exemption and commissioning the help of a business consultant who found success transitioning businesses away from tobacco sales, Manhattan Beach was able to initiate a shift away from the sales of tobacco products in the majority of their businesses.

In addition to the Manhattan Beach city council and government, the tobacco sale phase-out was supported by the Beach Cities Health District as well as experts from the University of California, San Francisco and the Public Health Law Center, and advocacy groups such as the American Heart Association. High school students from Los Angeles county led a grassroots campaign to support the ban.

² City of Manhattan Beach. (2019). Plastic Free MB | City of Manhattan Beach. Plastic Free MB. <https://www.manhattanbeach.gov/departments/environmental-sustainability/plastic-free-mb>.

³ Evains, Daily Breeze, 2020.

Challenges and Responses

Being one of the first cities to fully end tobacco sales has understandably led to push back from areas of the Manhattan Beach community. While only about seven percent of the Manhattan Beach residents smoke, their concerns about the ordinance were an important consideration for the city council.⁴ The Council have devoted resources to assist with cessation for those who may have been motivated by the sales ban to quit using tobacco. Among the loudest critics of the regulations were tobacco retailers, including gas stations, convenience stores, hotels, and liquor stores. Many of these businesses are locally owned and comprise a valuable part of the Manhattan Beach economy, so the city council made hearing their concerns, and ensuring that they are addressed, a major priority in the process of passing the tobacco sales ordinance.

The city council commissioned a study into the financial implications of banning tobacco sales and held several Council meetings with local retailers to hear their concerns over the ban. Ultimately, the city council offered local businesses the opportunity to apply for a hardship extension that would allow them to sell tobacco products past the initial

legislation's January 1, 2021 deadline. The seven businesses that applied for the hardship extension were given until June 30, 2021 to sell off their remaining tobacco inventory and transition their business model. Additionally, during this time tobacco retail licensing fees were waived in order to loosen the financial burden on businesses that continued to sell tobacco products. Manhattan Beach also hired a business consultant that had previously helped several businesses transition away from tobacco product sales. Their services were made available to each business that was affected by the ban. While only two businesses so far have accepted the services of the consultant, the information they provided was also made available to every other business affected by the ban. The Manhattan Beach City Council knew that tobacco sales would not end overnight and provided ample time and resources to their tobacco retailers to enable them to properly transition their business models away from selling tobacco products to create a nearly tobacco-free environment that benefits the community while giving tobacco retailers the opportunity to transition away from relying on its sale to sustain their business.



Photo by 1STunningArt on Adobe Stock Images

⁴ Chang, Hetty. NBC News. "Manhattan Beach becomes Smoke-Free City." (2014).



Conclusion and Lessons Learned

While the social dynamic and the degree to which the tobacco industry is entrenched is different in every jurisdiction, there are several lessons from Manhattan Beach that can inform other sales phase-out initiatives.

Be Realistic about the Time Frame

It is no small endeavor to ban the sale of used products such as tobacco. Manhattan Beach saw patience as one of the key factors in the success of their ordinance and provided local retailers almost a full year to transition their business model away from tobacco sales. Additionally, they offered the possibility of hardship exemptions for businesses that required more time to sell off their remaining tobacco stock and shift towards other products. Manhattan Beach and its Code Enforcement department have effectively shifted the majority of businesses in the city away from selling tobacco products by being realistic and accommodating to businesses that required a more lenient phase-in period.

Emphasize Community and Environmental Welfare

When deciding to pursue an ordinance restricting tobacco sales, one of the key contributing factors for Manhattan Beach was comments from various members of the City Council that outlined the effects that tobacco use had on their families and individual lives. These personal accounts provided a powerful impetus for banning tobacco sales within Manhattan Beach. Another factor that led to the ordinance's passage was the parallels drawn between regulations of tobacco and regulation of other products with the potential to harm the environment such as styrofoam and polystyrene. In a city reliant on revenue from its beach tourism, consumer products with detrimental effects on the environment are especially harmful, and cigarette butts have been identified as the most frequent consumer product pollutant of beaches and the ocean.⁵

Develop Support from Multiple Sources

While the ordinance originated in the Manhattan Beach City Council Chambers, its development was reliant on support from a wide variety of contributors. Internal advocates, such as Mayor Nancy Herzman and Council Members Steve Napolitano, Hildy Stern and Richard Montgomery were a crucial part of generating the political momentum to approach a tobacco sales ban. In addition, internal collaboration with city officials such as the City Attorney's Office, the City Manager's Office, and with broader organizations including the Beach Cities Health District, were crucial to assessing the viability of a tobacco sales ban. These individuals also provided extensive information on Beverly Hills' tobacco ban initiative and the logistics of ensuring a successful transition. Despite this, the most important source of external support stemmed from the community of Manhattan Beach, who made their support for the ordinance known consistently throughout the process. Getting the support necessary to pass the ordinance would not have been possible without appealing to a broad range of citizens, political actors, and business owners within the community and convincing them that banning tobacco sales was a necessary development for Manhattan Beach.

Provide Tools to Ease the Transition

Manhattan Beach and its leaders knew that moving away from the sale of tobacco products would be a challenge for many members of their community. As such, they implemented measures to assist those affected by the ordinance, including smoker support hotlines. For businesses that sold tobacco products, Manhattan Beach provided a generous time frame to phase out their tobacco sales, as well as the possibility of hardship exemptions for businesses that needed extra time. Additionally, Manhattan Beach hired a business consultant that was made available to local tobacco retailers and served as a valuable resource during the transi-

⁵ Rainey, James. NBC News. "Plastic Straw Ban? Cigarettes are the Single Greatest Source of Ocean Trash", (2018).

tion period. For people who smoke, Manhattan Beach provided information and resources to help them stop smoking, including the [California Smokers Helpline](#) and [Tobacco Free CA](#). These programs allow Manhattan Beach residents to obtain free nicotine patches and other forms of cessation support. Implementing major change necessitates compromise, and by accounting for the people who were the most affected by the ordinance, Manhattan Beach was able to maintain public support for the tobacco sales ban.

Acknowledgements

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