



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**CONFERENCE MEETING**

**#19-0518**

**TO:** Honorable Mayor & Members  
Fort Lauderdale City Commission

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** May 21, 2019

**TITLE:** Discussion to Increase the Minimum Legal Age for the Sale of Tobacco Products - **(Commission Districts 1, 2, 3 and 4)**

At the February 5, 2019 Conference Meeting, the City Commission requested information to increase the minimum sales age for tobacco products and electronic cigarettes to 21. According to the American Lung Association, tobacco use is a serious health hazard and early exposure for adolescents and young adults can have lasting health effects and adverse consequences on brain development. As of May 13, 2019, thirteen states (Arkansas, California, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Jersey, Oregon, Utah, Virginia, and Washington) have raised the minimum age of sale for all tobacco products to 21, and approximately 450 municipalities around the country have enacted similar regulations (Exhibit 1). In April 2019, HB 7119 was introduced to the Florida House of Representatives preempting the establishment of the minimum age for the sale and delivery of tobacco products to the state. However, the bill was postponed and withdrawn from consideration.

In January 2019, Alachua County became the first locality in the state of Florida to regulate the distribution of tobacco products through a distribution license. A distribution license allows applicants to pay a license fee to sell tobacco products within the County for a year. License fees (\$230 annually) help cover for administration cost, educational materials, trainings, retail inspections, and enforcement costs. The County does not grant a license to any new distributor located within 1,000 feet of any public school; the restriction does not apply to applicants previously licensed by the State of Florida. Distributors have the responsibility to verify age and post standardized notice of age restriction. The County has the authority to conduct unannounced inspections to ensure compliance. If a licensee violates the ordinance, they will be subject to the following penalties:

|                                    |                                      |
|------------------------------------|--------------------------------------|
| First Violation                    | 7-day license suspension             |
| Second violations within 24-months | 30-day license suspension            |
| Third violation within 24-months   | 90-day license suspension            |
| Fourth violation within 24-months  | Revocation with no option to reapply |

Other municipalities around the country such as New York City do not have a distribution license program, but rather require any person operating a place of business selling tobacco products and electronic cigarettes to place a sign with the age restrictions in accordance with the Department of Health and Mental Hygiene standards. The City of San Antonio structured its program with an initial nine months of education outreach through a collaborative effort of the Metropolitan Health District, the San Antonio Council on Alcohol and Drug Abuse, Tobacco retailers, and the school system. After the initial phase, City's Metro Health Sanitarians do routine inspections and the community has an opportunity to report violations through their non-emergency hotline. In adopting an ordinance, Commission should consider: A) Designating an enforcement agency and developing a clear enforcement protocol; B) Launching a public campaign for retailers and people aged 18 to 20 to be educated on the provisions of the new law; C) Legal challenges enacting or enforcing policy.

#### **Resource Impact**

There is no fiscal impact to the city associated with this item.

#### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Internal Support Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong, beautiful, and healthy neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Community*

#### **Attachments**

Exhibit 1 – Tobacco Free Kids State and Localities

Exhibit 2 – Alachua County Ordinance

---

Prepared by: Luisa Agathon, City Manager's Office

Department Director: Chris Lagerbloom, ICMA-CM, City Manager