



## Staff Report

Agenda Item #: {{section.number}}A

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## Yountville Town Council Staff Report

**DATE:** August 6, 2024  
**TO:** Mayor and Town Council  
**FROM:** Irene Borba, Planning & Building Director  
**PREPARED BY:** Irene Borba, Planning & Building Director

### **RECOMMENDATION**

Consideration of Introduction and Waiving First Reading of Ordinance 24-530 Amending Sections 8.28.020 and 8.28.060 of Chapter 8.28 of Title 8 of the Yountville Municipal Code Regarding Smoking in Public Places and Finding Amendments Exempt from the California Environmental Quality Act (CEQA).

### **DISCUSSION/BACKGROUND**

The California Health and Safety Code establishes a definition for Tobacco Product, defining it as:

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately<sup>[1]</sup>

Currently the Town of Yountville municipal code currently includes a less comprehensive definition of “Tobacco Product” that does not specifically include vapor products, components of tobacco products, or other specific types of recently developed products. Yountville’s definition also does not leave a clear exemption for nicotine products that are an FDA approved nicotine replacement product, designed to help people quit using tobacco products.

Updating the definition of Tobacco Product by adding more specific examples and including more recently developed products like dissolvable nicotine products, electronic cigarettes/pipes, and tobacco product accessories will strengthen the town’s code. Including these updated definitions can help the community address rising rates of youth vaping and make it easier for those charged with enforcing the town’s policies to enforce this particular section of the code.

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<sup>[1]</sup> California Health and Safety Code (HSC) Division 103 (Disease Prevention and Health Promotion) Part 3 (Risk Reduction) Chapter 1 (Tobacco Control) Article 1 (Tobacco Use Prevention) Section 104495 establishes definitions for the Tobacco Use Prevention section

While the Town of Yountville currently bans tobacco use in public parks, the way the current code is written, there are some types of tobacco products that fall within a gray area of legality. Adding specific wording and examples to the town code would clear this up.

Blue Zones Project Alignment: updating the Town's municipal code would be the last of the two tobacco policies/plans required in order for Yountville to become a certified Blue Zones community.

Staff brings forward minor amendments to Chapter 8.28 (Smoking in Public Places) of the Town's Municipal Code to clarify the definitions of "smoking" and "tobacco product" encompass the use of electronic devices such as e-cigarettes and vapes. The amendments will also require that places of employment, which are already required to have a smoking policy in place, review their smoking policies at least annually, revise their policies as appropriate, and communicate the policy to their employees annually and when revised.

### **ENVIRONMENTAL REVIEW**

Staff considers the Ordinance to be exempt pursuant to CEQA Guidelines section 15061(b)(3) (no potential for causing a significant effect on the environment). CEQA Guidelines section 15061(b)(3) exempts projects from environmental review where it can be seen with certainty there is no possibility the activity in question may have a significant effect on the environment. The proposed amendments at issue herein regulate the use of certain tobacco products in public places and require places of employment to review and, if appropriate, revise their smoking policies annually. It can be seen with certainty that there is no possibility these regulations would have a significant effect on the environment.

### **FISCAL IMPACT**

Is there a Fiscal Impact? No

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Yes

### **STRATEGIC PLAN GOAL**

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.

Briefly Explain Relationship to Strategic Plan Goal and Objective. Briefly Explain Relationship to Strategic Plan Goal and Objective. Adding clarity on the tobacco products that are banned in the municipal code will help the Parks and Recreation Department maintain tobacco-free parks and recreation facilities. This will improve quality of life by improving air quality and reducing secondhand smoke exposure in the parks and recreation spaces and reducing litter.