



# ALAMEDA COUNTY TOBACCO CONTROL COALITION

A project of  AMERICAN LUNG ASSOCIATION®  
of California

# COALITION REVIEW

*Summer  
2008*

## Oakland City Council Passes Tobacco Retail Licensing Ordinance City's new licensing requirements are among the strictest in the nation

By Serena Chen, ALAC

In 2007, outraged by the almost overnight appearance of stores selling drug paraphernalia thinly disguised as tobacco accessories in his East Oakland District, City Council Member Larry Reid launched a legislative attack on these businesses with equal lightning speed.

### Legislative Efforts

Reid convinced his fellow council members to pass an emergency moratorium on issuing a business license for any new sales of tobacco products, thus halting at least two more such stores from opening.

Council Member Reid's policy analyst Ray Leon worked with city staff to craft a comprehensive plan to address two important issues – drug paraphernalia sales masquerading as tobacco and controlling tobacco sales.

### Community Partners

Ed Kikumoto, executive director of the Alcohol Policy Network, who was involved in the landmark alcohol deemed approve law, conducted extensive research into state drug laws; Paul Cummings, director of the Alameda County Tobacco Control Program; and Ian McLaughlin, Technical

Assistance Legal Center staff attorney provided input into the city team's process.

### A New Standard

The result of these joint efforts bore fruit In April of this year, when the Oakland City Council passed the strictest local tobacco retailer license in the state with an annual fee of \$50 for all businesses selling any tobacco and an annual inspection fee of \$1,500. (Businesses that currently sell alcohol are exempted from the inspection fee since they already pay an inspection fee.)



**Council Member Larry Reid led the effort to pass Oakland's new licensing ordinance**

Failure to comply with tobacco sales and secondhand smoke laws, signage laws and drug paraphernalia prohibitions are considered violations and can result in revocation of the license All merchants will be expected to be in full compliance by February 2009 when Oakland business license fees are due.

### Additional Tobacco Retailer Requirements

In May, the Council passed new conditional use permit restrictions on

businesses intending to sell any tobacco requiring that the proprietor apply for a major conditional use permit and justify to the Planning Commission as to why the sale of tobacco is necessary.

These requirements cover businesses intending to locate within 1,000 feet of residential zones, schools, playgrounds, libraries, licensed day cares, and churches with the exception of gas stations and non-tobacco-mainly retailers over 10,000 square feet in size. Geographically, these protected areas cover over 90 percent of the city.

If a business currently selling tobacco has its license revoked for violations, it will need to undergo the conditional use permit process if it is within the protected areas if it wants to resume selling tobacco.

The inspection fee will fully cover the costs of annual compliance checks.

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# CONGRATULATIONS!

## The Alameda County Tobacco Control Coalition would like to congratulate the following for their outstanding work in tobacco control.

On May 29th, tobacco control coalition members gathered to celebrate the achievements of these 8 outstanding advocates at the annual awards reception in San Leandro. The awardees included elected officials, service providers, and community activists all made extraordinary contributions to tobacco control in Alameda County.



### Christopher Anderson

Christopher is a Tobacco Control Advocate Extraordinaire. He has successfully run the TUPE (Tobacco Use Prevention Education) traveling fair for the past 2 years. The fair

visits middle and high schools throughout the county.

With each presentation, he brings educational materials that instruct youth on the problems with getting involved with tobacco. Christopher does an excellent job of adapting the materials and presentation to ensure it is culturally and age appropriate. His work has caused numerous students to begin the road to quitting or prevent them from getting involved in the first place. Christopher brings an incredible enthusiasm to his work.

### Nancy Nadel

Nancy Nadel is a dedicated advocate for tobacco control. As a member of Oakland's City Council, Nancy championed Oakland's secondhand smoke ordinance – stressing the public health need to protect Oakland residents from the known health hazards associated with this dangerous toxin.

Thanks to her unrelenting support, Oakland now requires the following protections: smoke-free bus stops and other outdoor waiting areas; smoke-free recreation areas including parks and trails; for multi-unit housing that landlords and condo sellers disclose the location of smoking/non-smoking units and how smoking complaints are handled, smoke-free common areas, and homes that are used as care facilities (childcare, health care) must be smoke-free at all times even when children/patients are not present.

An existing provision that there be a 25 feet smoke-free buffer zone around workplace doorways, windows and air intake structures was expanded to include multi-unit housing structures.

### Marcia Brown-Machen

Always a keen sense of opportunity and timing, for many years now, Marcia Brown-Machen has directed diverse anti-tobacco policy advocacy activities around Berkeley that have had far-reaching affects in other sectors of community life and tobacco control efforts throughout Alameda County.

Through Marcia's relentless drive, Berkeley often sets the standard for stepped-up community smoke-free ordinances. Doorways, walkways, bus stops and recently the Alta Bates and Herrick Hospital campuses have all become smoke-free. She has led the local campaign to advocate that the UC Board of Regents refuse to accept funding from the Tobacco Industry for research.

Also, through her on-going efforts the UC Berkeley Student Health Center provides tobacco-use interventions with students who smoke. Marcia is an invaluable and dedicated member of the Tobacco Control Coalition, and has made a tremendous contribution to tobacco control efforts in Alameda County.



## Bryan Thompson

Bryan has been a member of Friday Night Live for the past 6 years, and currently serves as a youth council member for MOTTO (Motivating Others To Teach Others) this year as the council's President. Bryan has participated in presenting at numerous local and statewide conferences on tobacco and the media; he has participated in tobacco buy stings, as well as presented to Oakland City Council on his concerns and ideas about tobacco in his community.

Bryan also serves as a mentor with the Friday Live Mentoring Program. Through this program, he is able to talk with middle school students about the hazards of tobacco, alcohol and other drugs.

## Kenneth Leung



Mr. Leung is a retired 77 year old immigrant from Hong Kong who moved into an apartment complex in Alameda in 2006. He is a former smoker and has emphysema and he quickly realized that the smoke from his downstairs neighbor was making it very difficult for him to breath. He brought the issue up with the City of Alameda Housing Commission, ultimately recruiting nine other tenants and eight letters of support. As a results of his efforts, the Smoking Policy Committee was established in July 2007 with Housing Authority staff, residents from the Independence Plaza complex including Mr. Leung, and ALA staff.

On April 16, 2008, the Housing Commission voted unanimously to convert all of their properties to completely smoke-free campuses, including the units beginning with the 168 units at Independence Plaza. His actions will improve the air quality for 11 complexes and over 500 units. The Alameda Housing Authority manages very low income, low income, and market rate housing.

## Options Recovery Services

Options Recovery provides free substance abuse treatment to some of the most down trodden in Alameda County – multiple offenders and parolees, the homeless and anyone who can't get drug treatment services anywhere else.

Executive and Medical Director, Davida Cody, MD, and Clinical Director, Tom Gorham, have made tobacco dependence treatment an integral part of addictions treatment at Options for the last 6 years. Recognizing that drug-free is also tobacco-free, all clients are required to attend tobacco education and cessation orientation, and capable Options staff offer on-going tobacco cessation classes for all clients who want to quit.

All Options transitional housing is smoke-free, and preference is given to clients who have quit smoking. Options Recovery has the most comprehensive tobacco cessation program of any substance abuse program in the county.

## United For Health

United for Health (UFH) has made significant contributions to decrease tobacco use in Alameda County by providing invaluable nicotine detox services, via acupuncture, to Alameda County "quitters" for the past nine years.

The contribution to Berkeley goes far beyond the small contract Hope McDonnell- Director of United for Health - has with the City of Berkeley Tobacco Prevention Program (funded by the Alameda County Tobacco Control program via Master Settlement Funds). The UFH staff members volunteer to extend follow-up visits to help facilitate quitting through acupuncture treatments.

**For more news, updates  
and tobacco control  
resources, visit**

**[www.tobaccofreealamedacounty.org](http://www.tobaccofreealamedacounty.org)**

## Tobacco Control Update

### Nearly 700,000 Alameda County Residents Have New Secondhand Smoke Protections

By Serena Chen

*Since December 2007, five Alameda County cities have moved to “un-do tobacco” by passing some of the toughest secondhand smoke laws in the United States.*

#### Oakland

To hold merchants responsible for stopping illegal tobacco sales to minors, Oakland passed a new tobacco retailer license and zoning restrictions that will likely reduce the number of businesses selling tobacco with a \$1,500 annual inspection fee. (See front page article.)

Apartment dwellers and condominium buyers have new rights in Oakland and Albany where landlords and condo sellers are now required to disclose to prospective renters and buyers how the complex handles drifting smoke complaints and disclose the smoking designation of the

units in the building.

In response to implementing the disclosure law, some Oakland landlords and condo owners have begun inquiring as to how to voluntarily convert their buildings to non-smoking. Smoking is now also prohibited in all common indoor and outdoor areas of apartments and condos in those two cities, Emeryville, and Berkeley.

#### Other Cities

Albany, Hayward, and Berkeley have banned smoking in most outdoor public places including sidewalks in the downtown areas, outdoor work-sites, outdoor dining, parks, bus stops, theatre lines, and ATMs. Oakland has the same provisions with the exception of the sidewalks beyond 25 feet of doorways and outdoor work sites.

While state law prohibits smoking

within 20 feet of doorways of government buildings, seven cities now ban it for doorways, windows and air intake structures for all smoke-free buildings. (Albany, Berkeley, Emeryville, and Oakland require 25 feet; and Dublin, Hayward, and Newark require 20.)

Private residences which operate as family child care or health care facilities are prohibited from smoking at all times, not just during the hours of operation in Albany, Berkeley, Emeryville, Newark, Oakland, and Pleasanton.

Cities with the least local protections are Alameda, Fremont, Livermore, San Leandro, and Piedmont..

For more information, please go to: [www.tobaccofreealamedacounty.org](http://www.tobaccofreealamedacounty.org) or contact Serena Chen at [schen@alac.org](mailto:schen@alac.org)

### Alameda County Cities Preliminary 2008 Smokefree Laws Report Card (as of June 16, 2008)

## Sojourner Truth Celebrates Going Smoke Free

By Ralph Morales, ALAC

On January 29<sup>th</sup> the residents at Sojourner Truth celebrated being smoke free. ALAC Staff helped Sojourner Truth residents and staff implement a survey, and based on the results the decision was made to go smoke-free.

Residents, board members and staff of Sojourner Truth, Council Member Nancy Nadel, representatives of Christian Church Homes, and ALAC staff were present to commemorate the occasion.

In April, 2004, there was a fire at one of the Sojourner Truth Manor resident buildings caused by a resident who was smoking while using oxygen. The smoker and a neighbor whose door was open died in the fire; three other residents were hospitalized.

As a result of the fire, the complex made changes to ensure that its buildings are more fire safe. The



House Rules were changed to state that doors are to be kept closed, and smoking on the property is not allowed (by residents or guests.)

Residents are responsible for informing their guests of the policy and ensuring that they don't smoke.

Sojourner Truth Manor is owned by the Negro Professional Businesswomen's Association and managed by Christian Church Homes. Sojourner Truth is located in Oakland, California and consists of three buildings (87 units total); 80% are seniors and 20% are disabled. The majority of the residents are African American.

Sojourner Truth, after whom the complex is named, was an American abolitionist and women's right activist. A freed slave herself, Sojourner devoted her life to fighting for equality and freedom.

Congratulations to the residents and staff of Sojourner Truth Manor on making their complex a safer, healthier place.



California  
Smokers'  
Helpline

English  
1-800-NO-BUTTS  
Spanish  
1-800-45-NO-FUME  
Mandarin & Cantonese  
1-800-400-0866  
Vietnamese  
1-800-778-8440  
Korean  
1-800-556-5564  
TDD/TTY  
1-800-933-4TDD  
Chewing Tobacco  
1-800-844-CHEW

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**The Alameda County Tobacco Control Coalition advocates for the prevention, reduction and control of tobacco use.**

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# JOIN NOW!

## Tobacco Control Coalition Membership Form

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City:/Zip Code: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Check this box if you are an interested member of the general community and are not affiliated with an organization.

Briefly describe the target group(s) and the service(s) or program(s) your organization provides.

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I am not able to be an active member, but please add me on your mailing list.

Please fax to Susan Miranda, (510) 893-9008