

Capitola City Council

Agenda Report

Meeting: April 10, 2025

From: Public Works Department

Subject: Filtered Tobacco Products



Recommended Action: Provide direction to staff on whether to prepare a draft ordinance on the prohibition on the sale of filtered tobacco products for City Council consideration.

Background: In May 2023, the Santa Cruz County Board of Supervisors (Board) formed the Tobacco Waste Ad Hoc Subcommittee to develop consistent regional policy concerning tobacco waste. Over the 16 months leading to the adoption of the ordinance, the Subcommittee conducted community outreach, including managing and participating in numerous Countywide community outreach events (e.g., beach clean-ups, tabling events, student presentations). The Subcommittee also met with various local, regional, and environmental stakeholders and gave presentations to retailers, business interests, residents, and community leaders.

A dedicated website (<https://www.santacruzcountyca.gov/TobaccoWasteSubcommittee.aspx>) was launched as a central hub for information regarding tobacco waste and its public and environmental health impacts. The site includes news, event listings, and resources for individuals who want to quit smoking.

On October 29, 2024, the Santa Cruz County Board of Supervisors (Board) unanimously adopted an ordinance amending Chapter 5.60 of the Santa Cruz County Code (SCCC) regarding tobacco retailing licenses to prohibit the sale of filtered tobacco products in the unincorporated areas of the County (Attachment 1). The ordinance added subsection (J) of SCCC 5.60.040, which states that it shall be a violation of Chapter 5.60 “for any tobacco retailer or any of the tobacco retailer’s agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, Partially Inconsumable Cigarettes or Partially Inconsumable Cigars.” “Partially Inconsumable” tobacco products contain embedded components or parts that are not intended to be consumed and are commonly referred to or marketed as “filters.” The ordinance became effective on November 29, 2024, thirty-one days after final adoption. However, enforcement of subsection (J) of SCCC 5.60.040 will not begin until January 1, 2027, or on the date that at least two additional jurisdictions in Santa Cruz County approve a similar ordinance, whichever occurs later.

By adopting Ordinance No. 5461, Santa Cruz County became the first County nationwide to ban the sale of filtered tobacco products. Importantly, the ordinance specifically bans the sale of filtered cigarettes and cigars, rather than implementing an outright ban on tobacco products.

Regional Policy Efforts

The Subcommittee invited representatives from each of the four incorporated cities. Council Member Pederson was invited to participate on behalf of the City of Capitola and, in 2024, requested an informational presentation regarding the process of adopting a similar ordinance be agendized for a future City Council meeting.

Currently, the County and all four incorporated cities have adopted resolutions declaring tobacco waste as a threat to public health and the environment. The Capitola City Council adopted Resolution No. 4339 on October 12, 2023 (Attachment 2). The City of Santa Cruz is addressing the issue of tobacco waste through its Health in All Policies (HiAP) subcommittee and is hosting a tobacco retailers’ meeting in April

2025 to gather input from businesses. A first reading of their draft ordinance is tentatively scheduled for June 2025.

On March 19, 2024, the City of Capitola Commission on the Environment received a presentation from the Public Health Division of the HSA regarding the County's ordinance. The Commission unanimously voted to recommend that Capitola City Council adopt a similar ordinance, prohibiting the sale of filtered tobacco products within the City of Capitola.

Environmental Impacts

Cigarette filters are composed of a form of plastic called cellulose acetate, which breaks down into microplastics that can persist in our environment for hundreds of years. In addition to being a major form of global plastic pollution, cigarette filters are toxic waste that leach hazardous chemicals such as lead, arsenic, and nicotine into the environment. Tobacco filters also provide no known health benefits to smokers and are found to cause more harm by increasing a smoker's frequency of puffs and causing deeper inhalations of smoke into their lungs (Attachment 3).

Cigarette filters are the most littered item in the world and a major source of plastic pollution in Santa Cruz County and Monterey Bay. The Office of National Marine Sanctuaries National Oceanic and Atmospheric Administration (ONMS NOAA) published a study in October of 2023 which analyzed marine debris data collected along the entire 276 miles of Monterey Bay National Marine Sanctuary (MBNMS) shoreline between January 1, 2017, and December 31, 2021. The study found that 24.5% of beach trash was smoking-related, with cigarette filters comprising 94.4% (Attachments 4 and 5).

To help address this issue locally, the City contracts with Save Our Shores to conduct public Capitola Beach cleanup events. During Fiscal Year 2023-24, Save Our Shores conducted four cleanups and during Fiscal Year 2024-25, they conducted six cleanups. For each cleanup event, Save Our Shores records data provided by volunteers on the types and total amounts of litter collected. During Fiscal Year 2023-24, cigarette butts were consistently among the most commonly collected items, with 430 cigarette butts collected over four beach cleanups (Attachment 6).

Discussion: HSA has identified a list of ten active cigarette tobacco retailers within the City of Capitola selling filtered tobacco products that would be impacted by a potential ordinance (Attachment 7), including five gas stations, four liquor stores, and one market. County staff confirmed that none of the retailers currently rely solely on the sale of filtered tobacco products for revenues, however, businesses may experience a decline in sales.

If Council directs staff to proceed, the City will coordinate with the Capitola Police Department and HSA staff to confirm the list of affected businesses and begin community outreach. This outreach would focus on tobacco retailers and other stakeholders. Staff will also identify resources to support compliance and assist with implementation.

Fiscal Impact: There is no direct fiscal impact at this time. Implementing the ordinance would incur staffing costs for the Police Department to ensure compliance and could result in a limited reduction in sales tax revenue. However, the exact fiscal impacts cannot be determined at this time.

Attachments:

1. Santa Cruz County Ordinance No. 5461
2. City of Capitola Resolution No. 4339
3. Special Communication Article from San Diego State University School of Public Health (Novotny and Hamzai, 2023)
4. ONMS NOAA Fact Sheet
5. MBNMS Marine Debris Final Report 2023
<https://montereybay.noaa.gov/resourcepro/reports/2023marinedebris-report.html#:~:text=Key%20findings%3A,up%20during%20MBNMS%20beach%20cleanups.>
6. Save Our Shores Annual Report for Capitola Beach Cleanups (Fiscal Year 2023-2024)

7. List of Active Cigarette Tobacco Retailers within the City of Capitola

This report was modified on April 9, 2025 to correct the COE meeting date where this topic was discussed.

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