Resolution supporting California State Senate Bill No. 39, authored by Senator Jerry Hill and co-authored by Senators Steve Glazer and Anthony Portantino, to require tobacco products to be delivered only in a container that is conspicuously labeled as being a tobacco product that requires the signature of a person 21 years of age or older; and require before completing a delivery, a specified entity shall obtain the signature of a person 21 years of age or older upon delivering the product to the recipient’s or purchaser’s address, as specified.

WHEREAS, Despite progress reducing smoking, tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year in many forms of cancer, heart disease and respiratory diseases, among other health disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and suicides combined; and

WHEREAS, Existing law, the Stop Tobacco Access to Kids Enforcement Act, prohibits a person from selling or otherwise furnishing tobacco products, as defined, to a person under 21 years of age; and

WHEREAS, Existing law prohibits the sale, distribution, or non-sale distribution of tobacco products directly or indirectly to any person under 21 years of age through the United States Postal Service or through any other public or private postal or package delivery service at locations, including, but not limited to, public mailboxes and mailbox stores; and

WHEREAS, Existing law requires that any person selling or distributing or engaging in the non-sale distribution of tobacco products directly to a consumer in the state through the United States Postal Services or any other public or private package delivery service verify
that the purchaser or recipient of the product is 21 years of age by attempting to match the name, address, and date of birth provided by the customer to information contained in records in a database of individuals whose age has been verified to be 21 or older by reference to an appropriate database of government records kept by the distributor, a direct marketing firm, or any other entity; and

WHEREAS, According to the Journal of the American Medical Association, 96% of 15 to 16 year olds were able to find an internet cigarette vendor and place an order in less than 25 minutes, with most completing the order in seven minutes; and

WHEREAS, Studies have shown that nicotine exposure during adolescence can harm the developing brain impacting learning, memory, attention and increasing the addition to other drugs; and

WHEREAS, Senate Bill No. 39 will be a critical component in the efforts to restrict sales of tobacco to children and youth by creating a robust age verification process; and

WHEREAS, Senate Bill No.39 will require tobacco products to be delivered only in a container that is conspicuously labeled with the words “CONTAINS TOBACCO PRODUCTS: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY;” and

WHEREAS, Senate Bill No. 39 will also require before completing delivery, a seller, distributor, or non-sale distributor to obtain the signature of a person 21 years of age or older upon the delivery of a tobacco product to a recipient’s or purchaser’s address; and

WHEREAS, Senate Bill No. 39 will permit a recipient and a purchaser to designate an alternative address for delivery if the addresses have been verified; now, therefore, be it

RESOLVED, That the City and County of San Francisco Board of Supervisors urges the California Legislature and Governor Gavin Newsom to support and pass California State Senate Bill No. 39; and, be it

Supervisor Walton
BOARD OF SUPERVISORS
FURTHER RESOLVED, That the City and County of San Francisco Board of
Supervisors hereby directs the Clerk of the Board to send a copy of this resolution to the
Governor of the State of California, the California State Assembly, the California State Senate,
and California Senator Jerry Hill.
Resolution

File Number: 190583  Date Passed: June 04, 2019

Resolution supporting California State Senate Bill No. 39, authored by Senator Jerry Hill and co-authored by Senators Steve Glazer and Anthony Portantino, to require tobacco products to be delivered only in a container that is conspicuously labeled as being a tobacco product that requires the signature of a person 21 years of age or older; and require before completing a delivery, a specified entity shall obtain the signature of a person 21 years of age or older upon delivering the product to the recipient's or purchaser's address, as specified.

June 04, 2019 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 6/4/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

London N. Breed
Mayor

Date Approved

6/14/2019

Date

4/17/2019