COUNTY OF HUMBOLDT

For the meeting of: 3/3/2026

File #: 26-152

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Departmental - Received Too Late For Review (TLFR)

Vote Requirement: Majority

SUBJECT:

Introduction of an Ordinance of the Board of Supervisors of the County of Humboldt Amending Sections 817-1, 817-5, 817-14, and 817-15 of Chapter 7 of Title VIII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached ordinance of the Board of Supervisors of the County of Humboldt amending Sections 817-1, 817-5, 817-14, and 817-15 of Chapter 7 of Title VIII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" regulating tobacco product sales and requiring the licensure of tobacco retailers and waive first reading thereof; and
2. Set the attached ordinance for adoption on March 10, 2026, or at least five days after the date of introduction, to take effect and be in force thirty (30) days from the date of its adoption; and
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the attached ordinance and to post a certified copy of the full text of the ordinance in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the ordinance will be adopted [California Government Code Section 25124(b)(1)]; and
4. Direct the Clerk of the Board of Supervisors, within fifteen (15) days after adoption of the attached ordinance, to publish a post-adoption summary of the ordinance with the names of the Supervisors voting for and against the ordinance, and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance and amendments along with the names of those Supervisors voting for and against the ordinance [California Government Code Section 25124(b)(1)].

STRATEGIC PLAN:

The recommended actions support the following areas of the Board of Supervisors' Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

DISCUSSION:
Commercial tobacco use remains the leading cause of preventable death in California and continues to pose significant health risks in Humboldt County, where smoking and lung cancer rates exceed statewide averages. In response to rising youth use of flavored tobacco products and targeted marketing toward vulnerable populations, the State enacted California State Senate Bill 793 on December 21, 2022; however, the law does not preempt stronger local regulation. Local data underscore the need for such action: a January 2022 survey found that fifty-four percent (54%) of unincorporated area retailers sold tobacco to underage youth, and the California Healthy Kids Survey shows that sixty percent (60%) of ninth graders and sixty-seven percent (67%) of eleventh graders report easy access to vaping products.

The Department of Health and Human Services - Public Health Branch ("DHHS - Public Health") has worked to reduce youth access to commercial tobacco products through policy development, community education, and support for local regulation. On August 16, 2022, the Humboldt County Board of Supervisors ("Board") authorized DHHS - Public Health to draft a Tobacco Retailer Licensing Ordinance.

Ordinance No. 2718 - Tobacco Retailer Licensing (Division 1, Chapter 7, Title VIII of the Humboldt County Code) was introduced on May 23, 2023, adopted on July 11, 2023, and subsequently amended in 2024 to update provisions related to pricing, placement and packaging of tobacco products. A Nitrous Oxide Ordinance was introduced on May 6, 2025, and adopted by the Board on June 3, 2025, which amended Ordinance No. 2718.

These actions align Humboldt County with 237 California jurisdictions that have adopted Ordinance No. 2718 to reduce youth commercial tobacco use and improve community health.

At the June 3, 2025 Board meeting, the Board requested for DHHS - Public Health to work with the ad-hoc committee and return to the Board with recommendations for amendments. At the October 21 meeting, DHHS - Public Health provided an update on the ad-hoc's work and the Board requested for DHHS - Public Health to return with a proposed amendments to consider.

DHHS - Public Health is presenting amendments to Ordinance No. 2718, the Tobacco Retailer Licensing ordinance:

- Restructuring the administrative and appeals process
- Potential changes in licensing-cap rules
- Clarifying applicable jurisdiction and population.

Sections 817 1(a) and 817-1(f) are updated to amend and explain language for the Administrative Review Officer (817-1(a)) formerly termed Hearing Officer (817-1(p)).

Section 817 5(a)(1) and 817(a)(2) are amended to clarify the ordinance applies only to the unincorporated county population and confirm the appropriate census data reference source.

Section 817-5(a)(3)(A) is amended to allow for increased proximity and density of tobacco retailers in frontier areas of the county, slowing the natural attrition of commercial tobacco retailers.

Section 817 14 is amended align with the updated language for the Administrative Review Officer in 817-1 and solidify the administrative review process.

Section 817 15 and all relevant subsections include a procedural change by transferring all appeal authority to the Humboldt County Board of Supervisors. With the removal of the Administrative Law Judge in the Hearing Officer role, the Board now conducts appeal hearings, administers oaths, receives testimony, evaluates evidence, and issues final written decisions. The timeline for issuing a written decision is extended from ten days to forty five days, allowing the Board adequate time to review the record and deliberate.

Collectively, these amendments clarify the intended jurisdiction, increase access to commercial tobacco products by making exceptions to the cap for frontier retailers, and restructure the review and appeals process to place final decision making authority with the elected Board of Supervisors.

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SOURCE OF FUNDING:
Public Health Fund (1175)

FINANCIAL IMPACT:
There are no direct costs associated with the attached ordinance, as it does not introduce new fines, fees, or funding allocations with the approval of this amendment. Accordingly, adoption of the attached ordinance will not impact the Humboldt County General Fund.

STAFFING IMPACT:
Adoption of the attached ordinance will not impact current staffing levels.

OTHER AGENCY INVOLVEMENT:
None

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board may choose not to adopt the attached ordinance amending Sections 817-1, 817-5, 817-14, and 817-15 of Chapter 7 of Title VIII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" regulating tobacco product sales and requiring the licensure of tobacco retailers. However, this alternative is not recommended as it would not allow for needed changes to the Tobacco Retailer Licensing Ordinance.

ATTACHMENTS:
1. Ordinance of the Board of Supervisors of the County of Humboldt Amending Sections 817-1, 817-5, 817-14, and 817-15 of Chapter 7 of Title VIII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers
2. Pre-Adoption Summary
3. Post Adoption Summary
4. Senate Bill No. 793
5. Board of Supervisors Approval Timeline
6. Support for Tobacco/Vaping Product Enforcement

PREVIOUS ACTION/REFERRAL:
Meeting of: 08/16/22; 05/23/23; 07/11/23; 05/21/24; 06/04/24; 05/06/25; 06/03/25
File No.: 22-991; 23-577; 23-1011; 24-863; 24-864; 25-601; 25-602; 25-714; 25-715