

Attachment E - Summary of June 27, 2023 Smoke Shop Stakeholder Meeting

Smoke Shop Code Amendments Stakeholder Meeting Summary – Virtual Meeting – Zoom

June 27, 2023 at 8:30 pm

Meeting Summary:

On February 7, 2023, Mayor and Council directed staff to move forward with a code amendment related to smoke shops which addressed concerns about their impacts on the community. This code amendment should include separation distances from sensitive uses such as schools, as well as other smoke shops.

Following Mayor and Council initiation, the City of Tucson Planning and Development Services Department (PDSD) conducted an online virtual meeting via Zoom, open to the public, on the code amendment. During the meeting, City staff reviewed the following components of the proposed code amendment:

- Meeting Agreements, Purpose, and Background
- Smoke shop regulations elsewhere in Arizona
- Proposed smoke shop definition
- Analysis and discussion of Alternatives and Proposed Options
- Next Steps

1. Meeting Agreements, Purpose, and Background

PDSD Staff covered the background of the code amendment, its purpose, and meeting agreements or expectations. Agreements included asking participants to be concise, allowing everyone to speak before speaking again, staying on topic, and being respectful of others and of differing viewpoints.

2. Smoke Shop Regulations Elsewhere in Arizona

Staff provided an overview of smoke shop regulations in other jurisdictions throughout the state including Tempe, Avondale, and Phoenix.

3. Proposed Smoke Shop Definition

The proposed smoke shop definition below was reviewed by staff, and participants were given the opportunity to provide feedback.

Smoke Shop: Any establishment in which retail sales of tobacco products, tobacco-related products, and other tobacco products such as vapor products and tobacco paraphernalia and accessories consist of fifteen (15) percent or more of the product display, sales, or storage areas of the space. Smoke Shops include any person or business that operates a store, stand, booth,

concession, or other place at which the sales of tobacco products, tobacco-related products, and other tobacco products are made to purchasers for personal consumption.

The following questions and comments were received:

- Mickey Peterson (TPD) - asked about the ability to add that 15% to include consumption of tobacco product – to include hookah lounges.
- Megan Boelter – being able to manipulate threshold to ensure it is being met and enforced. How can safeguards help control this?
- Brian Hummel – American Cancer society – some of the pieces of the definition need definition. What is already in the city code. Tobacco retail license?
- Val T – Palo Verde NA – 15% Threshold – how can this be manipulated – larger yards and storage areas?
- Mickey Peterson – open advertising of vape and tobacco. What they see on their commute to school. Can we regulate the advertisement on their window displays into the 15% threshold?
- Lee- Itule-Klasen – PM- Pima Health – addressing marketing and advertisement. Who would be responsible to regulate this aspect of the smoke shops...coordinate with City Attorney's office – signage. There may be best practices across the nation to look at to help with this.
- Brian Hummel – definitions of things within the definition. The tobacco retail license there is a definition for e-cigs/vapor products. Make sure there is alignment. State law and enforcement of products attracted by children.

4. Analysis and discussion of Alternatives and Proposed Options

Staff provided an overview of the analysis conducted, including both 500-foot and 1,000-foot separation distances from schools and other smoke shops. A map of each scenario was also reviewed. The following questions and comments were received:

- Megan Boelter – review of studies – smaller density greater to prevent. Greater distance is best for advocacy groups.
- Lee-Itule-Klasen – space distance include faith based organizations? One other item. Include early childhood centers. Is this birth to 5?
- Mickey Peterson – 1000 ft would be better. Reduction of crime and exposure to children. Include major transportation hubs, parks, rec centers, where community events occur.
- Brian Hummel – 1000 ft better for public health perspective. Parks and community centers, daycares, possible other uses beyond faith based. Want to make sure schools have access to provide their services and that tobacco retail stays away. Concerns with limiting the options for school options.
- George Camacho – tobacco is dangerous. Where they are going to be located and who is operating them. Digital ID process. How to vet these owners and owners. Easier way to track? Can this lead into bigger issues...
- Jamal Qasim – more protections to regulate the age proof. This is in place through current ID checks. Do not just target smoke shops as other businesses support illegal substance sales.

- Maria Lopez – who is looking into the backgrounds of the operators opening the smoke shops? How can we tighten this up a bit more to vet people.
- Tom O’Dell – COT, Business Licenses. That is not actually a background for tobacco retail establishments at this time. This would have to be added. It would not be in the zoning but a different part of the code.
- Maria Lopez – how do we get this as a priority or part of the process – mayor and council can do this.
- Ted Prezelski – if we establish separation to non-conforming. If it changes ownership, does it make it not functional? Does this give incentives to keep the uses if wanting to sell smoke shops. Many of the smoke shops that are non-conforming close together, if a smoke shop were to close, the other in the area make them conforming. This just marking the buffers.

5. Next Steps

PDSD staff provide an overview of next steps, including finalizing the code amendment, Planning Commission review and public hearing, and Mayor and Council public hearing and consideration.

Meeting Attendees

This screenshot shows a Zoom meeting in progress. The main window displays a grid of participants. At the top, a status bar indicates 'Recording...' and 'Carver Struve is talking...'. The meeting information pane shows 'Meeting Information'. The participant grid includes: Heaven Rendon, Majd El-Rabaa, Richard Garza, Mark Kerr, Tom O'Dell, Eryn Streeter, Rachelle Bronson, Lupita Robles, Lee Itule-Klasen, Lee Itule-Klasen, Lt. Deanne Zeis, Hugh Ezell, James Willett, Maria Lopez, and George Camacho. A chat bubble from George Camacho is visible: 'define what we're talking about. You know there are kind of a lot of different ways that tobacco or tobacco products are sold and we want to be able to define what specifically we mean by a smoke shop. In order to do...'. The bottom control bar shows 31 participants, a 'Join Audio' button, and an 'End' button. On the right, the 'Participants (31)' list includes names like Jamal LPKNC, James Willett, Joanna Strother, Jon Hennings, Lee Itule-Klasen, Lt. Deanne Zeis, Lupita Robles, Majd El-Rabaa, Maria Lopez, Mark Kerr, Megan Boelter, Mickey Petersen, mohammad qasim, Rachelle Bronson, Rebaz Ahmad, Richard Garza, Tom O'Dell, Val T. Palo Verde NA, 1520****347, and Brian Marks.

This screenshot shows a different view of the Zoom meeting grid. The participants visible are: Carver Struve, Ian Wan, Dan Bursuck, Karen Manning, Jon Hennings, Brian Hummell, Mickey Petersen, Joanna Strother, Majd El-Rabaa, Richard Garza, Mark Kerr, Tom O'Dell, Eryn Streeter, Rachelle Bronson, Lupita Robles, Lee Itule-Klasen, Lee Itule-Klasen, Mickey Petersen, Hugh Ezell, Brian Marks, James Willett, and Maria Lopez. The grid layout is consistent with the first screenshot, showing a 5x5 arrangement of participants.

Participants (32)

Find a participant

- JoAnna Strother- Lung Associat...
- Jon Hennings
- Lee Itule-Klasen
- Lee Itule-Klasen
- LPKNC-Heaven Rendon
- Lt. Deanne Zeis
- Lupita Robles
- Majd El-Rabaa
- Maria Lopez
- Mark Kerr
- Megan Boelter
- Mickey Petersen
- mohammad qasim
- Rachelle Bronson
- Rebaz Ahmad
- Richard Garza
- Tom O'Dell
- Val T. Palo Verde NA
- 1520****347
- George Camacho
- Ozzy Shahin

BM Brian Marks Mute

- Brian Hummell
- Ian W
- Eryn Streeter
- Carve
- Heaven Rendon
- Korei
- Hugh Ezell
- Dan E
- Jamal Qasim
- Brian
- James Willett
- Brian
- JoAnna Strother
- Eryn :
- Jon Hennings
- Hugh
- Lee Itule-Klasen
- Jama
- Lee Itule-Klasen
- Jame
- Lupita Robles
- JoAni
- Majd El-Rabaa
- Jon F
- Maria Lopez
- Lee It
- Mark Kerr
- Lee It
- Megan Boelter
- Lupiti
- Mickey Petersen
- Majd
- Mickey Petersen
- Mari:
- Rachelle Bronson
- Mark
- Richard Garza
- Mega:
- Tom O'Dell
- Micke
- Mickey Petersen