



August 1, 2019

The Honorable Richard Elias
Chairman
Pima County Board of Supervisors
130 W. Congress
Tucson, AZ 85701

RE: Ordinance to Amend Chapter 8.04 – Health Provisions Generally and Chapter 8.50 – Smoking, and to add a New Chapter 8.52 – Tobacco Retail Establishments

Dear Chairman Elias:

The Tucson Metro Chamber's mission is to champion an environment where business thrives and our community prospers. The Chamber participated in the Tobacco 21 stakeholders meetings held in February and March, 2019 to discuss raising the age to purchase tobacco and vape products from 18 to 21. During that time, our position was not in opposition to raising the age but we expressed that if an ordinance were to be crafted to enforce the new regulation, that those regulations do not place an undue burden on our local businesses.

As drafted, at this time we cannot support the ordinance. While the stakeholder discussions were open and transparent, there has been no stakeholder engagement in the drafting of the ordinance that we were recently alerted to being on the upcoming agenda. As an organization, we have been engaged when asked because of the impact this ordinance has on our member businesses.

Our primary concern is Section 8.52.060 Violation – Penalty. Many of the tobacco license holders, particularly convenience store owners, cite 25-30% of their sales as tobacco related. After a second violation in three years, they would not be allowed to legally sell tobacco for 30 days. A third violation suspends their ability to sell for six months. This can potentially put stores out of business.

Secondarily, the penalties and fines create another unnecessary burden due to how they are structured. While we do not protest the concept, the implementation should mirror existing regulations in place, specifically liquor laws. A great majority of stores that sell liquor also sell tobacco. These establishments are knowledgeable of the liquor laws and have sales associates that understand the repercussions should they sell to underage customers. Changing the penalties to align with the liquor laws would allow the store owners to best educate their employees in an efficient manner to guarantee good employment practices.

ALC0219M0113PCC KCFB
mm

Lastly, overall, this is a matter of statewide concern. The Chamber has historically not been in favor of taking a jurisdiction-by-jurisdiction approach in the regulation of a small business's ability to sell their products as it impacts the ability to be competitive. We appreciate the City and County collaborating on this issue however we are a tight population of over a million people six jurisdictions as well as the Native American reservations. Last legislative session a bill was introduced to raise the age from 18 to 21. We expect similar legislation will be introduced this next session in an effort to pass this issue. This is an appropriate venue for this type of legislative change.

We appreciate your consideration of this request and we respectfully ask you to oppose or to refer this issue back to Pima County Health for further stakeholder comment to make these important changes.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Guymon". The signature is written in black ink and is positioned below the word "Sincerely,".

Michael S. Guymon
Vice President

cc: Supervisor Ally Miller, District 1
Supervisor Ramon Valadez, District 2
Supervisor Sharon Bronson, District 3
Supervisor Steve Christy, District 4
County Administrator Chuck Huckelberry
Dr. Francisco Garcia, Assistant County Administrator for Health Services