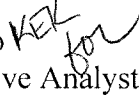


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 4, 2016

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No.: 15-0002-S98
Assignment No.: 15-09-0721

SUBJECT: Clarification to Report Relative to Minimum Legal Age To Purchase Or Consume Tobacco Products

SUMMARY

On September 11, 2015, our Office released a report relative to a Resolution to support SBX2 7 (Hernandez) and ABX2 8 (Wood) which would increase the minimum legal age to purchase or consume tobacco products from 18 to 21. The report is currently pending in the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee for further consideration (C.F. 15-0002-S98).

Subsequent to the release of the report, and upon further discussion with the City Attorney, our Office would like to clarify that the pre-emption from State law is related to the issuance of criminal penalties, not to increasing the minimum legal age to purchase tobacco products.

The following is submitted to replace language in the third paragraph on page two of the CLA report dated September 11, 2015:

“On August 21, 2013, Motion (Koretz – Bonin) was introduced which requests the City Attorney to prepare an ordinance to increase the minimum legal age to purchase tobacco products from age 18 to 21 (C.F. 13-1101). The City Attorney has advised that the City would not be allowed to issue criminal penalties if the City were to increase the minimum legal age to purchase these products inasmuch as the City is preempted by State law. In addition, under SBX2 7 and ABX2 8, local governments will be allowed to increase the minimum legal age beyond age 21.”

All other aspects of the report remain the same.