

CITY OF GOLETA

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C2022

Measure C2022 is a referendum of the Goleta City Council's adoption of Ordinance No. 21-09 banning the sale of flavored tobacco products.

On October 5, 2021, the City Council adopted Ordinance No. 21-09, amending the Goleta Municipal Code to ban the sale of flavored tobacco products in Goleta. However, following adoption of the Ordinance, the Goleta City Clerk received a referendum petition signed by the requisite number of voters challenging the Ordinance. The referendum petition had the effect of suspending the Ordinance and, accordingly, Goleta's law banning flavored tobacco products did not become operative. When there is a successful referendum petition, as there was here, the California Elections Code gives the City Council the choice of either repealing the ordinance or placing it on the ballot for consideration by the voters. The City Council chose to place Ordinance No. 21-09 on the ballot for consideration by the voters.

Ordinance No. 21-09 would prohibit tobacco retailers operating within City limits from selling "flavored tobacco products," which the Ordinance defines as any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.

If Measure C2022 is approved, then Ordinance No. 21-09 is affirmed and the ban on the sale of flavored tobacco products in Goleta will take effect. Retailers in Goleta would be unable to sell flavored tobacco products, including flavored e-cigarettes and menthol cigarettes. If Measure C2022 does not pass, then Ordinance No. 21-09 fails, and the sale of flavored tobacco products in Goleta will not be prohibited. Retailers will remain able to sell flavored tobacco products in Goleta, unless such sales are banned by California law.

On the ballot this year is California Proposition 31, a Statewide ballot measure also proposing a ban of flavored tobacco products throughout California. However, Proposition 31 is not as strict as Goleta's proposed Ordinance in that it continues to allow for the sale of flavored tobacco by hookah tobacco retailers and as loose leaf tobacco and premium cigars. Because Proposition 31 allows for cities to be more restrictive, if both Measure C2022 and Proposition 31 pass, the sale of flavored tobacco by hookah tobacco retailers and as loose leaf tobacco and premium cigars in Goleta would be prohibited.

A "yes" vote on Measure C2022 WILL ban flavored tobacco product sales by retail establishments in the City of Goleta.

A "no" vote on Measure C2022 will NOT ban flavored tobacco product sales by retail establishments in the City of Goleta.

Megan K. Garibaldi
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The above statement is an impartial analysis of Measure "C2022." If you desire a copy of the Measure, please call City Clerk Deborah Lopez, the City's elections official, at (805) 961-7505 and a copy will be mailed at no cost to you.