

Kick Some Butts!

Legal and Policy
Solutions for Addressing
Tobacco Waste



ChangeLab Solutions



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Disclaimer

The information provided in this discussion is for informational purposes only, and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.



Our mission:
Healthy communities for all
through better laws & policies

Agenda

- **What's been tried?**
 - San Francisco Cigarette Litter Abatement Fee
- **Why can't others follow San Francisco's model?**
 - Proposition 26
- **What *can* communities do to address tobacco waste?**
 - Implement and Enforce Smokefree Policies
 - Product Stewardship and Extended Producer Responsibility
 - ChangeLab Solutions Tobacco Litter Control Model Ordinance
- **Q&A**





San Francisco's Cigarette Litter Abatement Fee

- Enacted in 2009
- Imposed a \$0.20/pack fee on cigarettes
- Collected by cigarette retailers
- Funds used exclusively to:
 - Abate cigarette litter from sidewalks, street gutters, and similar outdoor public places
 - Conduct public outreach and education to curb improper cigarette litter disposal
- Fee increased to \$0.75/pack as of January 1, 2018

Why can't other communities impose fees?

Local Taxation after Proposition 26

"No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote."

"'Tax' means any levy, charge, or exaction of any kind imposed by a local government."

What can communities do?

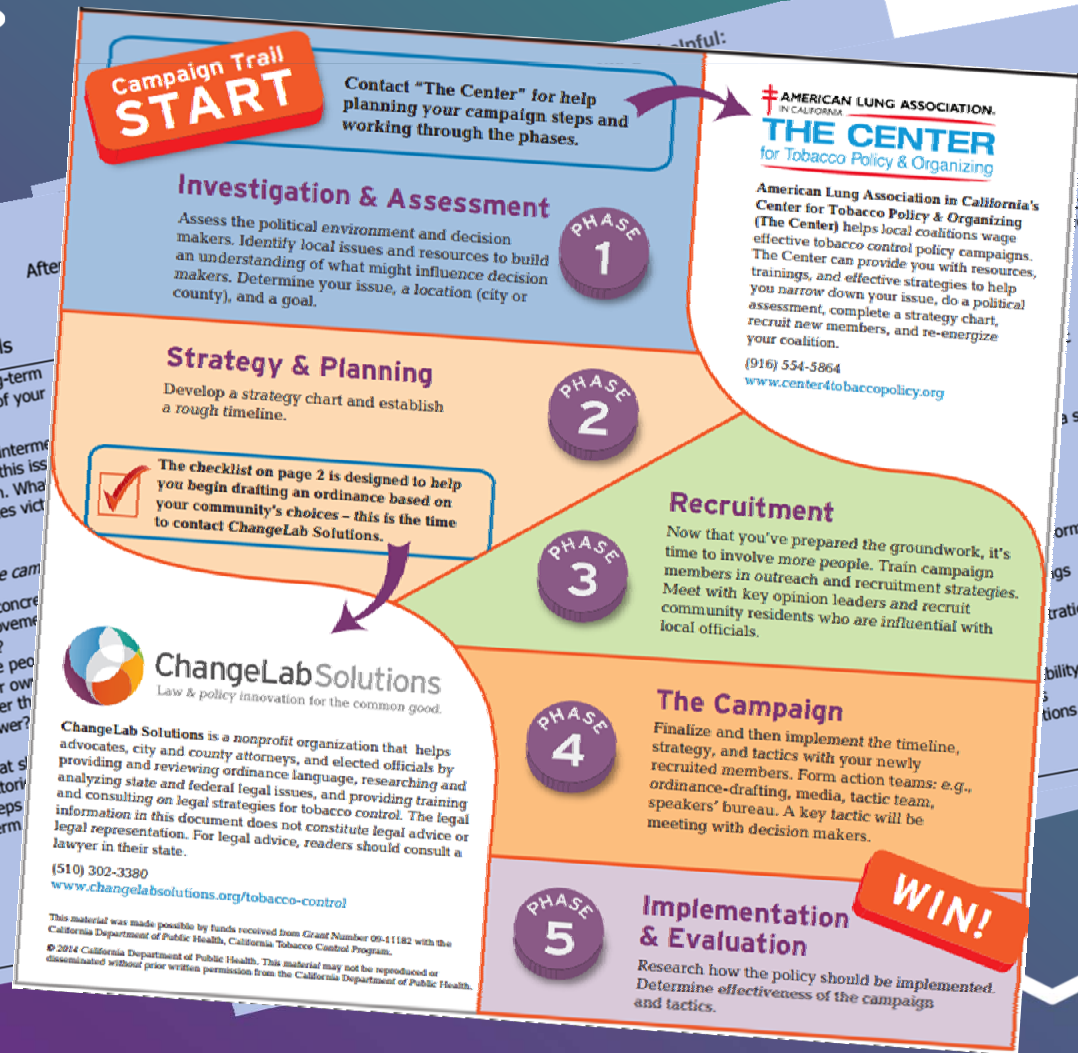
Implement and *Enforce* Smokefree Laws and Voluntary Smokefree Policies



Compliance + Enforcement



There is more than one way to make change...



Goals

1. List the long-term objectives of your campaign.
2. State the intermediate goals for this campaign. What constitutes victory?
3. What steps will you take to achieve your goals?

How will the campaign achieve its goals?

- Win concrete improvements for the community?
- Give people more power to change their own lives?
- Alter the political environment?

3. What steps will you take to achieve your goals?

5. Can you...

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Product Stewardship

- Process of minimizing health, safety, environmental, and social impacts, and maximizing economic benefits of a product and its packaging, throughout all lifecycle stages
- Producers have greatest responsibility, but other stakeholders such as suppliers, retailers, communities, and consumers also play a role
- Can be voluntary or required by law



What can communities do?

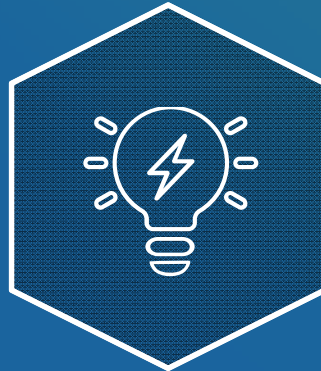
Extended Producer Responsibility

- **Shift financial and management responsibility, with government oversight, upstream to the manufacturer and away from the public sector**
- **Provide incentives to manufacturers to incorporate environmental considerations into the design of their products and packaging.**

Extended Producer Responsibility Examples



Prescription Drug
Disposal



Electronics
Disposal



Paint, Batteries,
Mattresses, and
more!



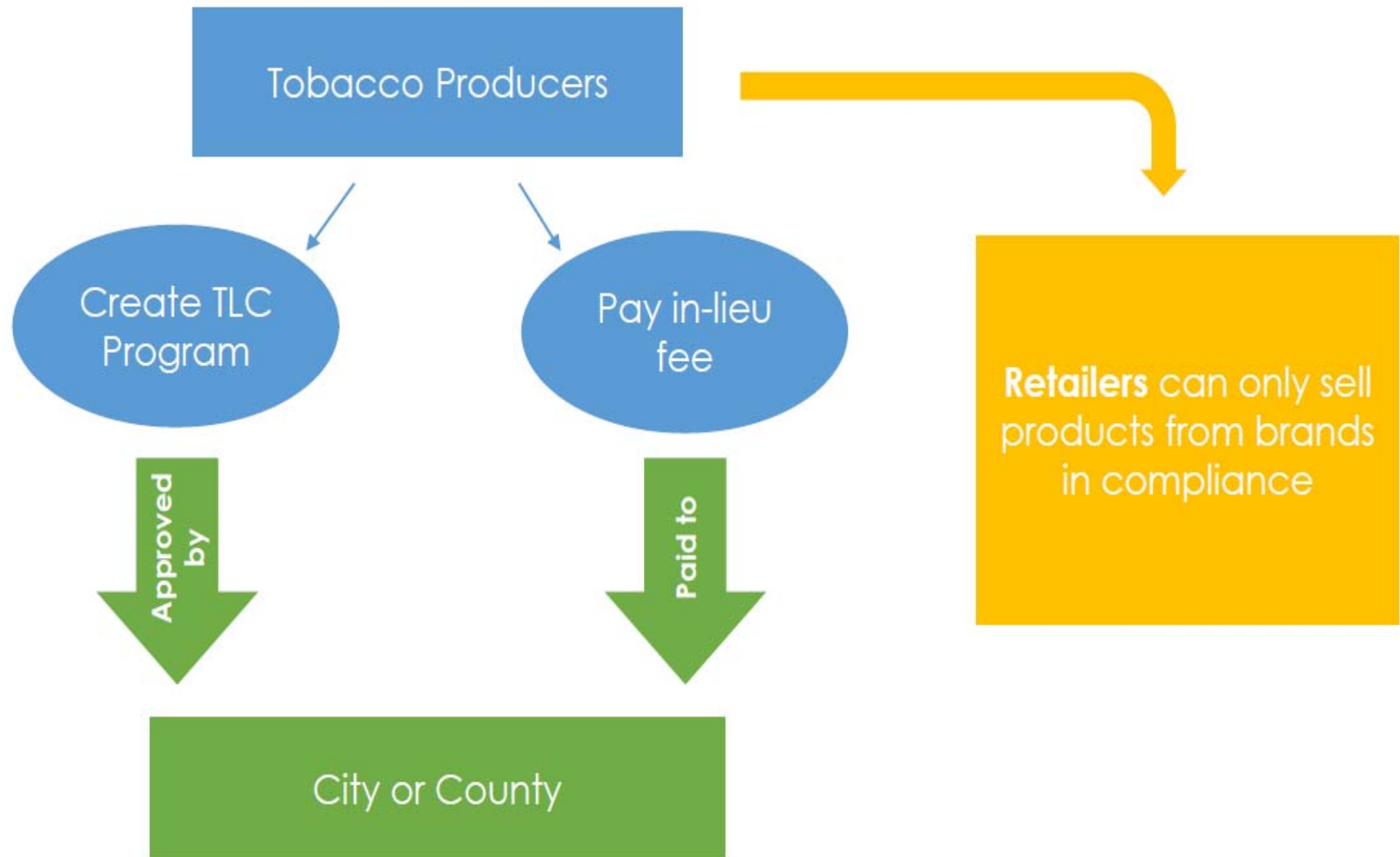
For '...adults over 21 who have been brainwashed with environmental propaganda'

-from "The Future of RJR Litter Initiatives" in 1996 (ard97c00)

The Industry's Response: Corporate Social Responsibility



Tobacco Litter Control Model Ordinance



- Prohibition on cigarettes utilizing single-use filters

2015-2016 – AB 48

Stone (died in committee)

- Smokefree state beaches and parks

2017-2018 – SB 386

Glazer (vetoed by Governor)

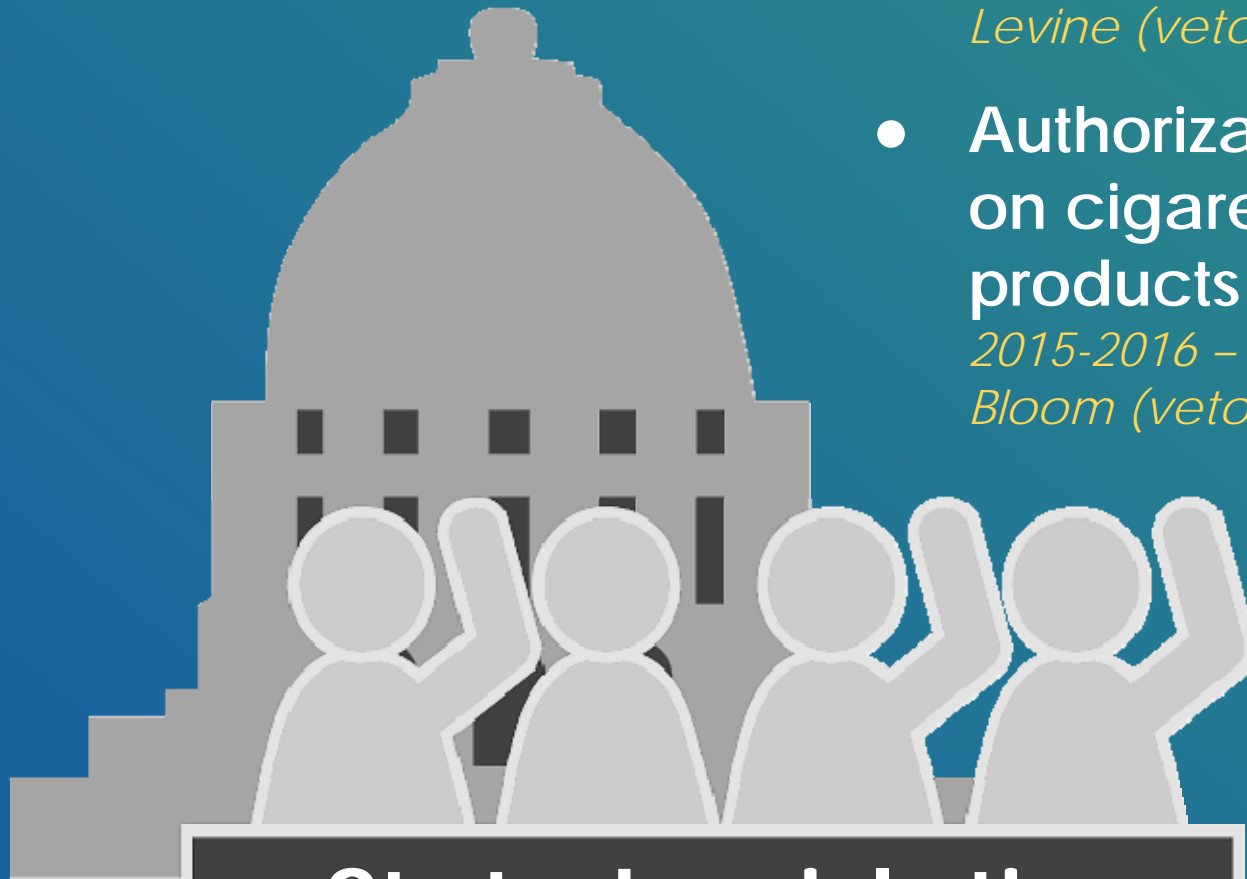
2017-2018 – AB 725

Levine (vetoed by Governor)

- Authorization of local tax on cigarettes or tobacco products

2015-2016 – AB 10

Bloom (vetoed by Governor)



State Legislation



Thank you!

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