TO: Health and Safety Commission  
FROM: Logan Phillippo, Policy & Management Analyst  
DATE: April 29, 2019  
SUBJECT: Tobacco Sales Ban Policy Discussion Regarding Hotel Businesses  
ATTACHMENTs: 1. Outreach/notice letter dated April 23, 2019  
2. Letter from Chair Ross  
3. Letters from the Chamber of Commerce and Conference & Visitors Bureau

INTRODUCTION
On March 25, the Commission voted on six motions related to policy details for recommendation to City Council as it relates to a possible ordinance that would ban the sale of all tobacco products in Beverly Hills.

At the request of Char Ross, the Commission has agreed to reconsider the Commission’s policy recommendations regarding hotels. Specifically, on April 22, the Commission voted (3-1) on a motion to annul the hotel carve out vote taken at the March 25, 2019 Health and Safety Commission meeting and to schedule a Special Meeting on April 29, 2019 at 3:00 p.m. to re-vote on the hotel carve out. Vice Chair Nazarian, Commissioner Demeter and Commissioner Baker voted “yes” on this motion. Commissioner Lurie voted “no”. Chair Ross was not in attendance due to a scheduled absence and did not vote on this motion.

Staff has provided updates to relevant interested parties and has included the notice as Attachment 1.

DISCUSSION
On March 25, in response to certain questions, the Commission voted on two motions that were specifically related to hotels.

**Question 1: Does the Commission support: a “carve out” for all, some or none of the categories of existing businesses?**

Motion to carve out existing and future hotels to sell tobacco or nicotine products to hotel guests only.

Motion: MOVED by Commissioner Lurie, SECONDED by Chair Ross to approve the motion (3-2).
AYES: Commissioners Lurie, Vice Chair Nazarian, Chair Ross

NOES: Commissioners Baker and Demeter

**Question 2: What is the appropriate “phase-in period” for existing retailers?**

Motion to utilize a phase-in period of January 1, 2020 for hotels selling tobacco and nicotine products to non-hotel guests.

Motion: MOVED by Vice Chair Nazarian, SECONDED by Commissioner Baker to approve the motion (5-0).

AYES: Commissioners Baker, Demeter, and Lurie, Vice Chair Nazarian, Chair Ross

NOES: None

In summary, the Commission previously voted to exempt/carve out hotels, provided that hotels only sold tobacco products to guests of their hotels. The Commission agreed to a “phase-in” period of January 1, 2020 (approximately 18 months depending on if and when an ordinance were adopted by City Council) for hotels selling tobacco products to non-hotel guests.

Since the previous policy recommendation regarding hotels has been annulled, the Commission should discuss policy details and recommend to City Council how a ban on all tobacco sales might apply to hotels. Currently, there are eight hotels that have active tobacco and electronic cigarette retailer permits.

**RECOMMENDATION**

Staff recommends the Commission discuss whether existing hotels, future hotels, or both, should be exempted (“carved out”) from the ban. Such an “exemption/carve out” would mean that any business categorized as an existing and/or future hotel would be allowed to sell tobacco products through the existing tobacco and electronic cigarette retailer permit process. For purposes of discussion an “exemption/carve out” means a permanent “exemption/carve out”, that hotels could sell tobacco products in Beverly Hills forever, until such time in the future, if ever, the law were to be changed.

**If the Commission does not support a (permanent) “exemption/carve out” for hotels,** Staff recommends the Commission discuss at what date in the future hotels should no longer be permitted to sell tobacco products (the “phase-in period”). The Commission may wish to choose multiple dates depending on the structure of the recommendation. For example:

- Effective ______ (date), hotels may only sell tobacco products to hotel guests; or
- On ______ (date), hotels may no longer sell tobacco products (including to hotel guests).

The Commission may also choose to make the same recommendations regarding hotels as a previously approved on March 25.