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**Perspectives of Licensed Tobacco Retailers on Tobacco Sales Bans in Manhattan Beach
and Beverly Hills, California**

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The California Department of Public Health operates a comprehensive tobacco control program that supports local communities' efforts to pass policies limiting access to tobacco products.[1] While tremendous strides were made to reduce smoking, tobacco use continues to persist due to the tobacco industry's ever-evolving array of tobacco products and targeted marketing of such products to different demographics.[2-5] In 2021, California ushered in a new public health era, shifting from a tobacco control strategy to preparing for an end to sales of all commercial tobacco products. The cities of Manhattan Beach and Beverly Hills, California accelerated this shift, implementing the first policies nationwide that banned sales of nearly all commercial tobacco products effective January 1, 2021.[6] Both cities granted temporary exemptions to some retailers who claimed financial hardship risk, while Beverly Hills granted exemptions to hotel concierges and existing cigar lounges.[7-8] We sought to understand retailers' support for the laws, their perceived ease of compliance, and compliance challenges.

METHODS

In January 2021, all licensed tobacco retailers in Manhattan Beach (N=17) and Beverly Hills (N=28) were invited to participate in a phone survey. Overall, 36% of retailers participated (Manhattan Beach n=7; Beverly Hills n=9). Data were collected from owners, managers, and clerks who were asked about their business type, awareness of and support for the law, and, if applicable, compliance with the law. Frequencies of each variable in the survey were calculated.

RESULTS

All participants (n=16) were aware of the law (Table 1). Four retailers reported exemptions. Two received a temporary financial hardship exemption and two received business-

type exemptions. Two additional retailers who reported they did not know if they were exempt were reclassified after examination of city records: one was temporarily exempt due to financial hardship and one was not exempt.

Most (68.9%) of the surveyed retailers opposed the law. Both retailers receiving business-type exemptions supported the law and all retailers with a temporary financial hardship exemption opposed the law. Among retailers that were not exempt from the law (n=11), a majority opposed the law (72.7%) but the same proportion found complying with the law to be easy (72.7%). All retailers who found it difficult to comply cited fear of going out of business as a reason.

Table 1. Licensed tobacco retailers' awareness of the law, exemption status, support for the law, ease of compliance, and plans for compliance

Responses		Overall n=16 n (%)
Respondent Type	Owner	2 (12.5%)
	Manager	11 (68.8%)
	Clerk	3 (18.8%)
Business Type	Convenience store	1 (6.3%)
	Gas station with convenience	2 (12.5%)
	Liquor store	5 (31.3%)
	Small market/deli/produce market	2 (12.5%)
	Supermarket/large grocery store	1 (6.3%)
	Drug store/pharmacy	1 (6.3%)
	Other	4 (25.0%)
Business was exempt from the law*	Yes, risk of financial hardship	3 (18.8%)
	Yes, business type**	2 (12.5%)
	No	11 (68.7%)
Aware of law and date it became effective	Yes	16 (100.0%)
Support for the law	Support or strongly support	4 (25.0%)
	Oppose or strongly oppose	11 (68.9%)
	Don't know/undecided	1 (6.3%)
Questions specific to non-exempt businesses (n=11)		
Complying with the law has been...	Easy or very easy	8 (72.7%)
	Difficult or very difficult	3 (27.3%)
How business complied with the law...	Moved some or all tobacco products to offer for sale at another retail location	5 (45.5%)

	Posted signs notifying customers	3 (27.3%)
	Boxed up the banned products and placed them in storage	3 (27.3%)
	Sold off some/all of our stock of tobacco products	2 (18.2%)
	Trained employees to understand the law and respond to questions from customers	4 (36.4%)
Question specific to non-exempt businesses that found complying with the law to be difficult or very difficult (n=3)		
Reasons for difficulty complying with the law	Fear of going out of business	3 (100.0%)
	Pressure from customers	2 (66.7%)

* Two retailers that self-reported “don’t know” regarding their exempt status were reclassified after examination of city records. One retailer was reclassified as receiving a temporary exemption due to risk of financial hardship and one retailer did not receive an exemption.

**Includes Beverly Hills hotel concierge services and cigar lounges that existed before the law.

DISCUSSION

We found that retailers in both cities were aware of the law, and most found it easy to comply. Most non-exempt businesses and all that received financial hardship exemptions opposed the law. Retailers’ fears of going out of business and pressure from customers posed challenges to compliance. Our study was limited by small sample size, no responses from tobacco-only retailers, low response rate, and self-reporting. Future research will seek to better understand the effect of exemptions on policy outcomes, facilitators and barriers to implementation, and the impact of tobacco sales ban on retailer profit margins. Strategies to increase retailer support for these policies and to facilitate compliance include one-on-one outreach to retailers,[9] a grace period to allow retailers to sell off inventory,[9] and assistance in shifting the retailer’s business model to healthier products.[10]

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