

*Patrick Bauer*  
CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**INTRODUCED BY COUNCIL PRESIDENT KEVIN JENKINS**

**RESOLUTION IN SUPPORT OF SB 1314 (MENJIVAR) TO SAFEGUARD PUBLIC HEALTH BY ESTABLISHING ZONING, OPERATIONAL, AND SALES REGULATIONS ON SMOKE SHOPS**

**WHEREAS**, the State of California’s Stop Tobacco Access to Kids Enforcement (STAKE) Act is intended to reduce youth access to tobacco products through enforcement, licensing, and penalties; and

**WHEREAS**, existing law authorizes state and local agencies to inspect retailers, assess civil penalties for unlawful sales of tobacco products to persons under 21 years of age, and coordinate enforcement efforts with the California Department of Public Health and the California Department of Tax and Fee Administration (CDTFA); and

**WHEREAS**, this proposed legislation effective July 1, 2027 would strengthen public health protections by regulating the operation of smoke shops in California, including establishing minimum distance requirements from schools and daycare centers unless a greater local standard is adopted, limiting retail tobacco sales hours to between 6:00 a.m. and 10:00 p.m., authorizing the creation of a dedicated smoke shop licensing category with associated administrative processes and fee structures, prohibiting the possession, storage, or sale of nitrous oxide and related paraphernalia by smoke shops, and expanding enforcement authority to include civil penalties as well as license suspension or revocation for violations of these provisions; and

**WHEREAS**, the legislation further updates statutory references to reflect the transfer of administrative responsibility for the STAKE Act from the State Board of Equalization to the California Department of Tax and Fee Administration consistent with prior state reorganization; and

**WHEREAS**, the City of Oakland recognizes the importance of reducing youth exposure to tobacco products and emerging inhalant substances and supports strengthened, consistent statewide enforcement mechanisms that complement local regulatory efforts and protect community health and safety; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakland hereby endorses the proposed legislation strengthening the STAKE Act and regulating smoke shop operations as described herein; and

**BE IT FURTHER RESOLVED** that the City Clerk is directed to transmit this resolution to the California State Legislature and appropriate state agencies as an expression of the City's support.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California