

Limitations on Retail Sale Locations of Tobacco, Nicotine or Hemp Products in Fairfax County

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Land Use Policy Committee
March 11, 2025

DECEMBER 3, 2024: JOINT BOARD MATTER

Supervisor Walkinshaw, Chairman McKay, Supervisor Smith and Supervisor Palchik

Directed staff to review new local authority and provide options to Land Use Policy Committee

Develop an enforcement strategy

Develop timeline for implementation

STAFF WORKGROUP

Formed December 17, 2024; meets weekly

Health Department
Department of Planning and Development
Department of Code Compliance
Office of the County Attorney

VA CODE SECTION

§ 15.2–912.4. Regulation of tobacco, nicotine, and hemp product retail sale locations.

Any locality may by ordinance regulate the ***retail sale locations of tobacco products****, nicotine vapor products, alternative nicotine products, as such terms are defined in § 18.2–371.2, or hemp products intended for smoking, as such term is defined in § 3.2–4112, for any such retail sale location and* ***may prohibit a retail sale location on property within 1,000 linear feet*** *of a* ***child day center as defined in § 22.1–289.02*** *or* ***a public, private, or parochial school****. An ordinance adopted pursuant to this section* ***shall not affect*** *(i) a licensee holding a valid license under § 4.1–206.3 or (ii)* ***any retail sale location of tobacco products****, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking* ***operating before July 1, 2024****.*

WORKGROUP OBJECTIVE

Craft a regulation that **reduces** youth access and exposure to tobacco product sales and marketing, while considering feasibility, acceptability, and enforcement within existing County infrastructure.

Factors Workgroup Considered:

Types of youth spaces to include

Types of tobacco retail facilities to include

Starting point of 1,000 ft boundary

Discontinuance/continuance of exempt retail



YOUTH TOBACCO USE AND EXPOSURE TO MARKETING

- **10%** of **8th, 10th, and 12th graders** and **3%** of **6th graders** attending FCPS report **ever smoking or vaping**. About **46%** of students who ever smoke or vape **report current use**.
- More than 1 in 5 **public schools, private schools, or child day centers** in Fairfax County have a tobacco retail location within 1,000 feet. About **82% of child day centers** provide care **up to age 12**.
- Between 2020 and 2024, inspection officials posing as minors **successfully purchased tobacco products from retailers in Fairfax County 23% of the time.** The minimum age to purchase tobacco is 21 as of July 2019.

Pre-adolescents are receptive to tobacco advertising. In two large national studies of tobacco naïve preadolescents, **25% of 10–11-year-olds and 41% of 12–13-year-olds** showed receptivity to tobacco marketing.

Strong, et al. *Annals of Behavioral Medicine* 2017; 51:730-40.
Pierce, et al. *Pediatrics* 2017.

Fairfax County Youth Survey, 2023







CURRENT TOBACCO RETAIL LANDSCAPE

497 existing tobacco retail locations in Fairfax County, with **80 new** locations added and **111 removed** on state inspection lists between 2020-2024.

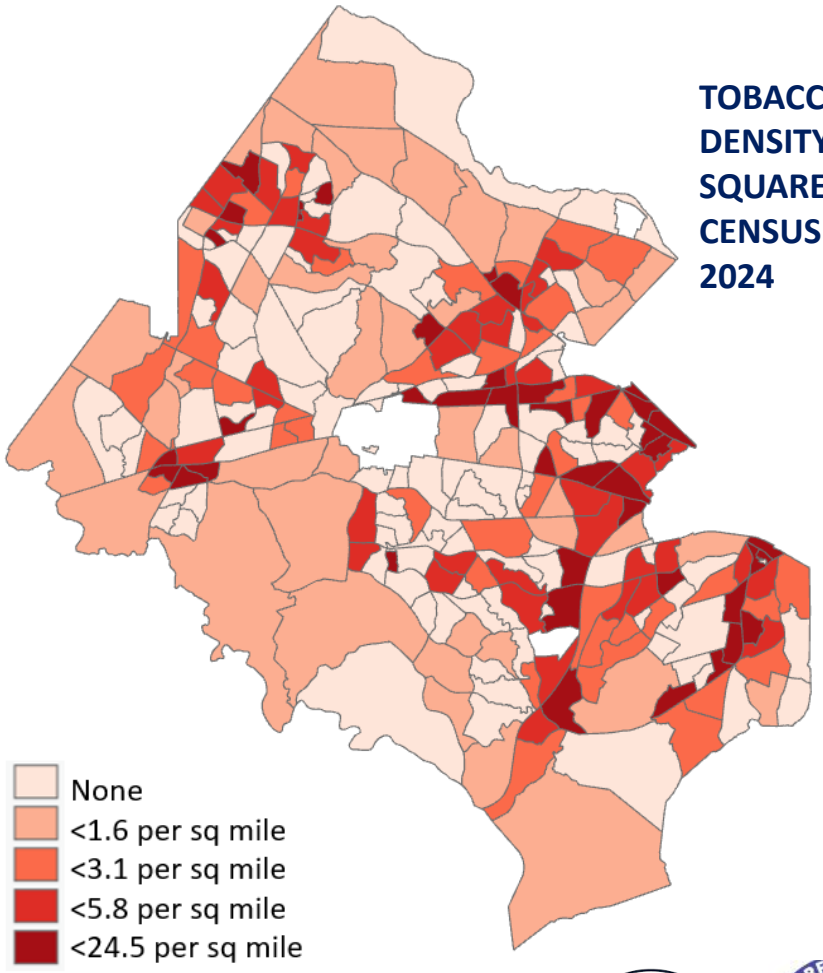
There are **1.3 tobacco retailers per sq mi** in Fairfax County. Census tracts with **25% or higher poverty rates have 7.5 retailers per sq mi**.

76% of existing tobacco retail locations are in mixed-retail settings:

- **34%** fueling and gas stations
- **21%** convenience stores
- **21%** grocery or supermarkets

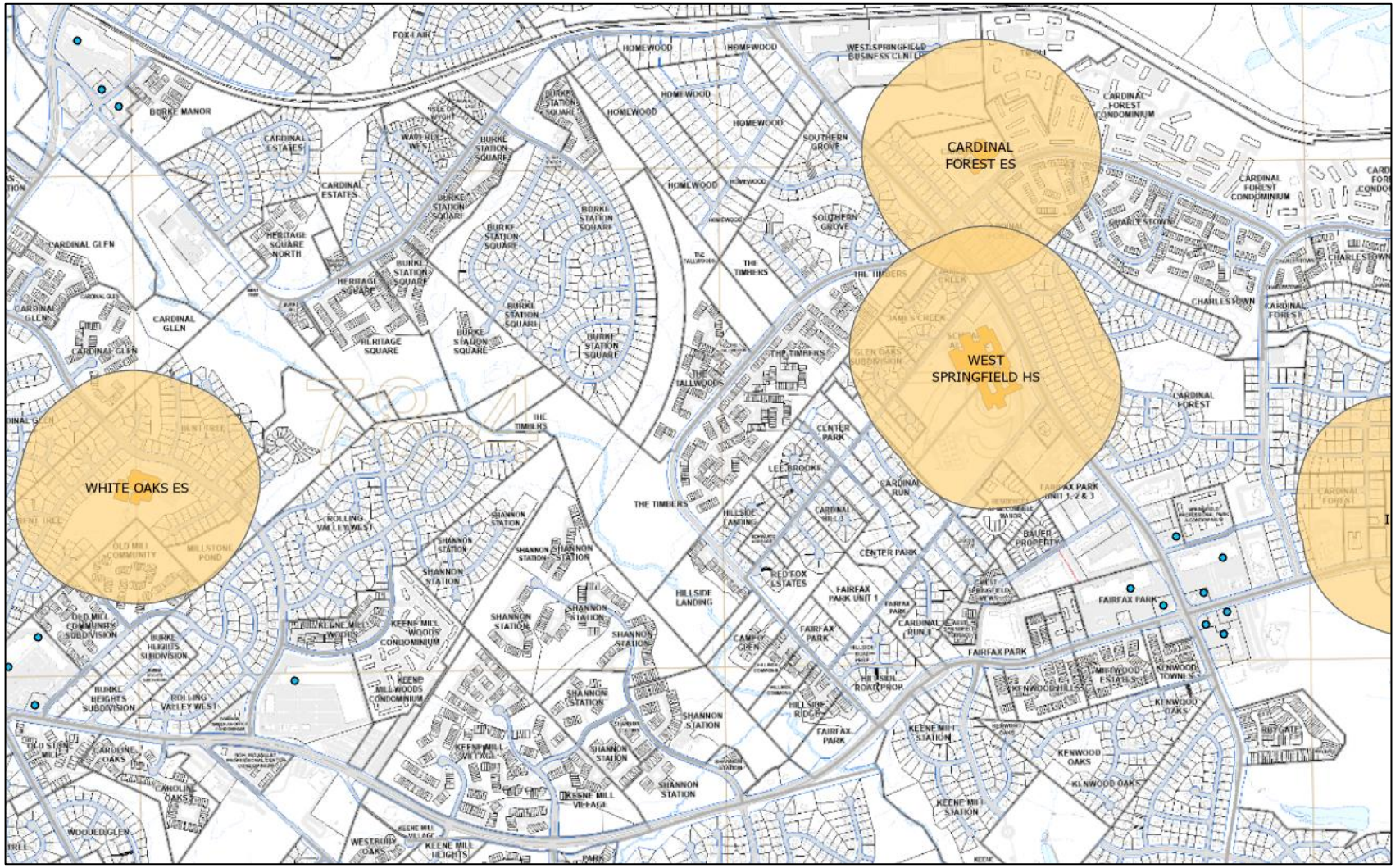
16% of retailers are stand-alone or specialty stores

TOBACCO RETAIL DENSITY PER SQUARE MILE BY CENSUS TRACT, 2024



BASED ON DATA AS OF 12/31/24
REGULATION DOES NOT APPLY TO LOCATIONS OPERATING PRIOR TO JULY 1, 2024.

MAPPING YOUTH LEARNING FACILITIES AND TOBACCO RETAIL: PUBLIC K-12

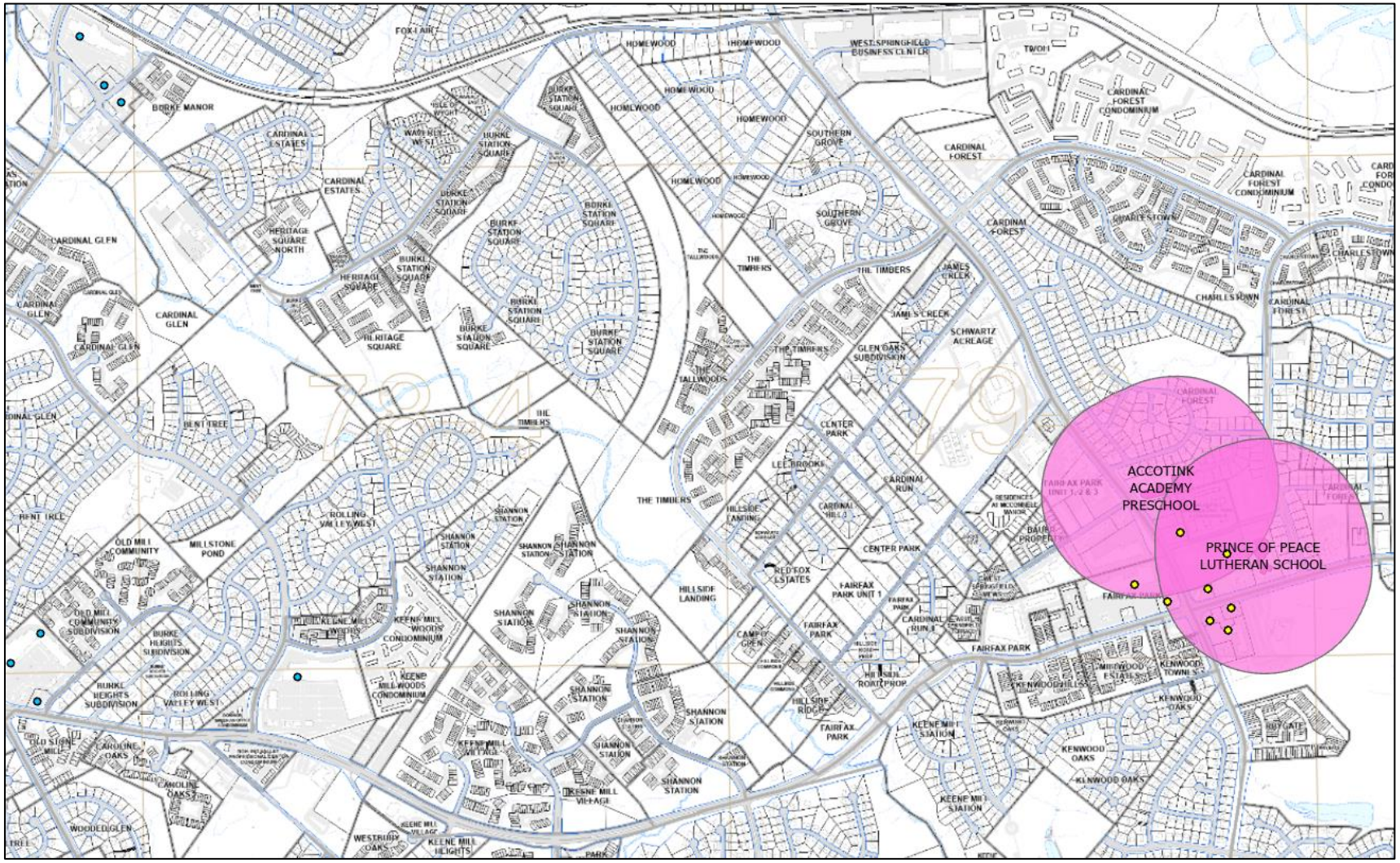


PUBLIC K-12

- EXISTING TOBACCO RETAIL IN BUFFER
- EXISTING TOBACCO RETAIL
- 1000 FT BUFFER PUBLIC K-12

BASED ON DATA AS OF 12/31/24
REGULATION DOES NOT APPLY TO LOCATIONS OPERATING PRIOR TO JULY 1, 2024.

MAPPING YOUTH LEARNING FACILITIES AND TOBACCO RETAIL: PRIVATE K-12

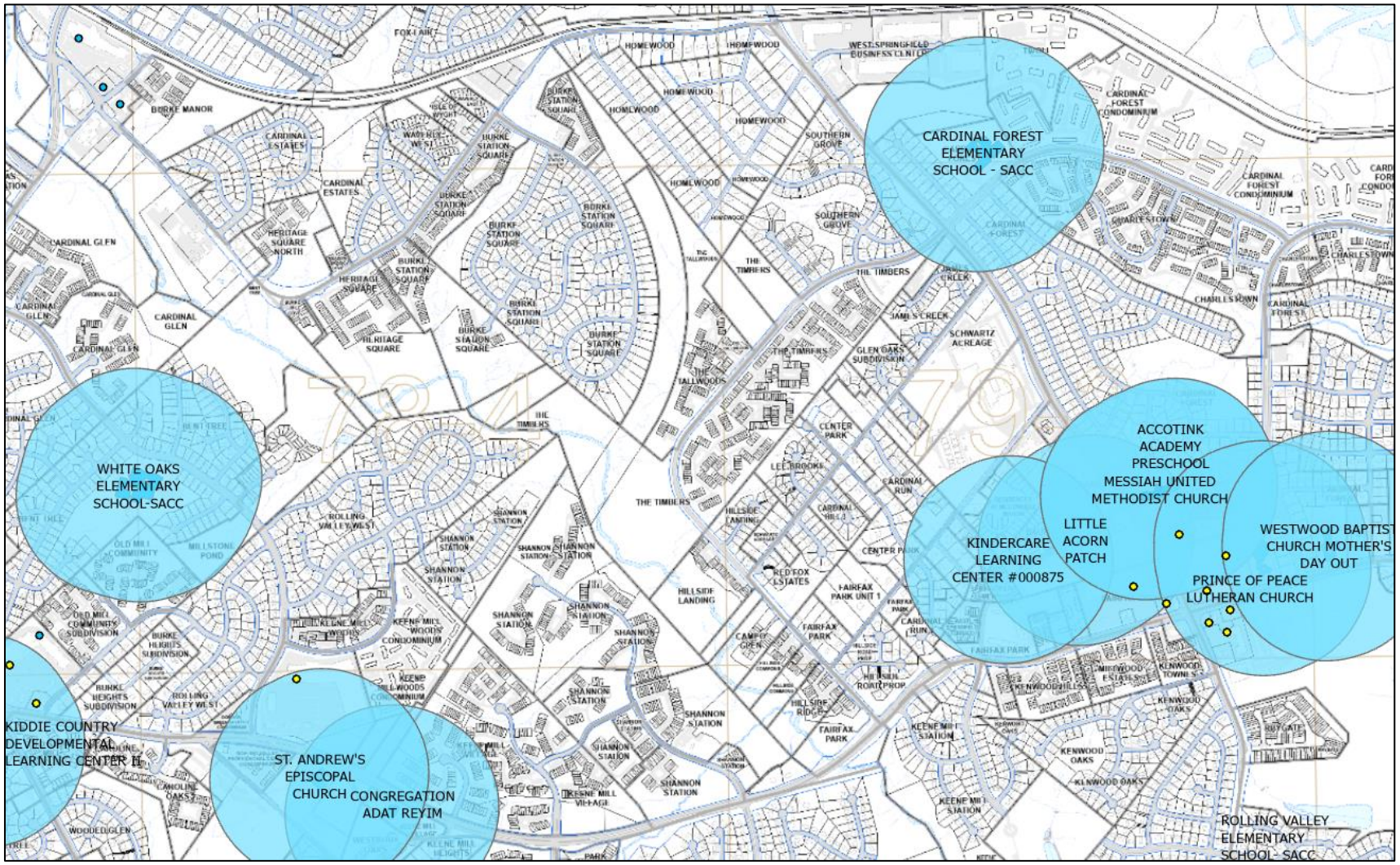


PRIVATE K-12

- EXISTING TOBACCO RETAIL IN BUFFER
- EXISTING TOBACCO RETAIL
- 1000 FT BUFFER PUBLIC K-12
- 1000 FT BUFFER PRIVATE K-12

BASED ON DATA AS OF 12/31/24
REGULATION DOES NOT APPLY TO LOCATIONS OPERATING PRIOR TO JULY 1, 2024.

MAPPING YOUTH LEARNING FACILITIES AND TOBACCO RETAIL: CHILD DAY CENTERS

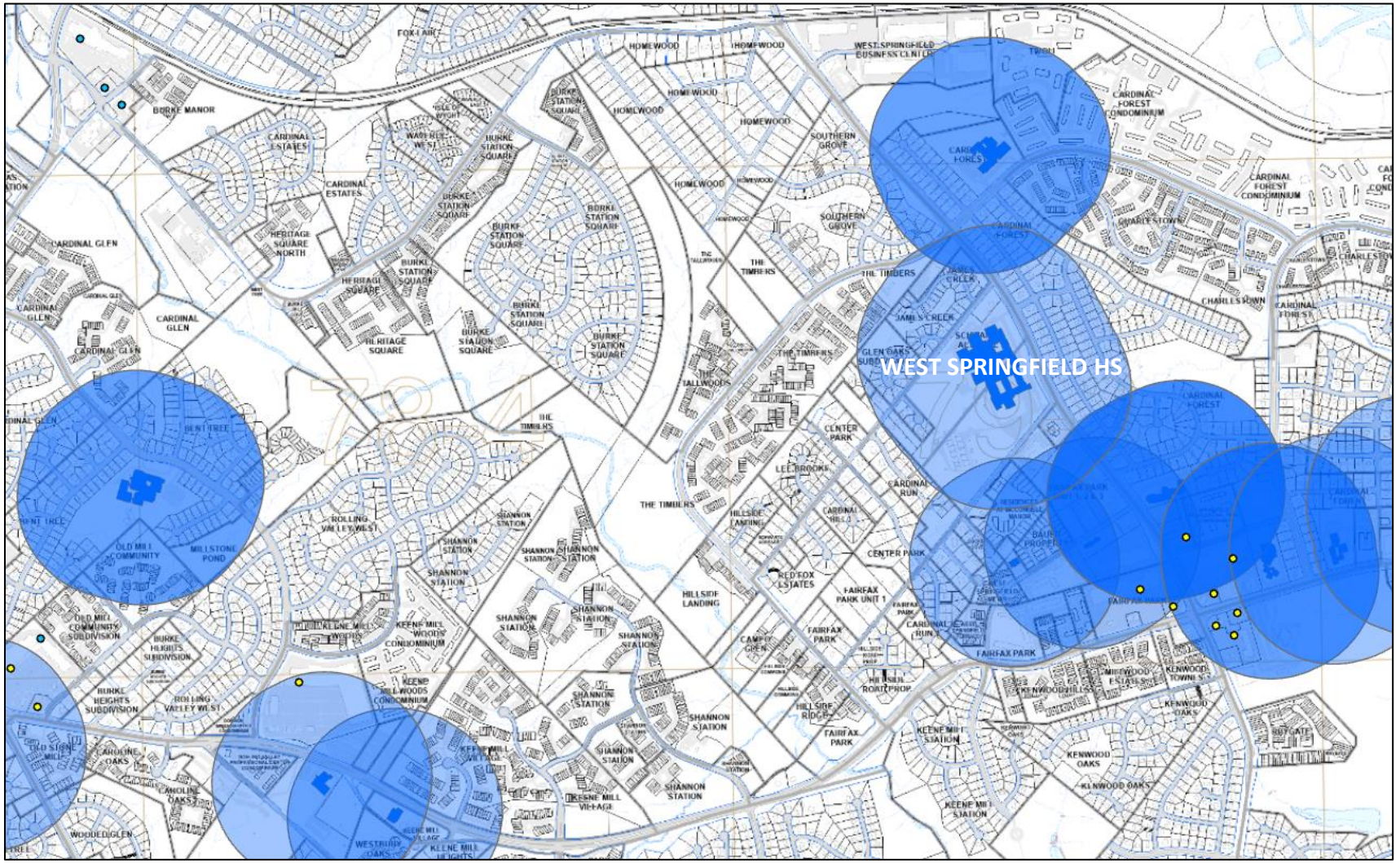


CHILD DAY CENTERS

- EXISTING TOBACCO RETAIL IN BUFFER
- EXISTING TOBACCO RETAIL
- 1000 FT BUFFER PUBLIC K-12
- 1000 FT BUFFER PRIVATE K-12
- 1000 FT BUFFER CHILD DAY

BASED ON DATA AS OF 12/31/24
REGULATION DOES NOT APPLY TO LOCATIONS OPERATING PRIOR TO JULY 1, 2024.

MAPPING YOUTH LEARNING FACILITIES AND TOBACCO RETAIL: ALL FACILITIES



ALL YOUTH LEARNING FACILITIES

- EXISTING TOBACCO RETAIL IN BUFFER
- EXISTING TOBACCO RETAIL
- 1000 FT ANY YOUTH LEARNING FACILITY

BASED ON DATA AS OF 12/31/24
REGULATION DOES NOT APPLY TO LOCATIONS OPERATING PRIOR TO JULY 1, 2024.

TOBACCO RETAIL LOCATIONS NEAR YOUTH

	PROPORTION OF EXISTING RETAIL LOCATIONS IN PROXIMITY TO YOUTH	
	YOUTH LEARNING FACILITIES	WITHIN 1000 FT OF BUILDING PERIMETER
1	K–12 PUBLIC SCHOOL	13%
2	K–12 PUBLIC OR PRIVATE SCHOOL	23%
3	K–12 PUBLIC OR PRIVATE SCHOOL OR LICENSED CHILD DAY CENTER	47%



BASED ON DATA AS OF 12/31/24
REGULATION DOES NOT APPLY TO LOCATIONS OPERATING PRIOR TO JULY 1, 2024.









KEY TAKE AWAYS:

- A large number of Fairfax children and youth are repeatedly exposed to tobacco retail and marketing where they learn and play.
- Communities with highest rates of poverty have high density of tobacco retailers per square mile.
- Most tobacco retail, including near youth learning spaces, occurs within mixed-retail contexts. Stand-alone retail makes up only 16%.

COUNTY STAFF RECOMMENDATIONS

- ✓ **Include all locations selling tobacco products**, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking as in state code.
- ✓ **Include all public, private, or parochial schools and child day centers,** including religious exempt child day centers. Does not include home-based care.
- ✓ **Measure 1,000 ft linear distance from youth learning facilities from main building perimeter.** Retail measurement from business entrance.
- ✓ **Apply only to new retail locations and when exempt businesses expand or close**, with shortest possible duration for continuance of sales to maintain exemption.
- ✓ **Implement through County Code Amendment with companion Zoning Ordinance Amendment** to reference the County Code in the general use standards.

IMPLEMENTATION TIMELINE

Joint Board Matter	• December 2024
Working Group & Initial Research	• December 2024 to current
Feedback from PC Land Use Process Review Committee	• March 11, 2025
Refine Proposal & Outreach	• April – June 2025
Authorization of County Code Amendment & Companion Zoning Ordinance Text Amendment	• September 2025
Planning Commission & Board of Supervisors Public Hearings	• Late Fall/Early Winter 2025

QUESTIONS?