

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 220536)

RESOLUTION

Calling on the Philadelphia Department of Public Health to exercise the full extent of its authority to address public health issues related to the sale of tobacco products, including hookah, in violation of the Tobacco Retailer Permit provisions of The Philadelphia Code, and to mitigate the disproportionate effect of those sales in certain communities.

WHEREAS, Effectively and efficiently administering the City's Tobacco Retailer permitting regime is an important part of Philadelphia's public health strategy to protect residents from the harms of tobacco use and exposure; and

WHEREAS, Bill No. 110374 (approved June 22, 2011) established a comprehensive statutory scheme for the City's permitting of tobacco retailers and authorized the Board of Health to impose any requirements on the issuance and renewal of Tobacco Retailer Permits that are appropriate for the protection of public health; and

WHEREAS, Pursuant to that scheme, set forth at Section 9-631 of The Philadelphia Code, the sale of tobacco products, including hookah, without a permit is both a Class III offense and a nuisance as a matter of law; and

WHEREAS, Repeated violation of Section 9-631 of The Philadelphia Code by retailers may result in a determination that a business is a chronic public nuisance. After that determination has been made, the business's commercial activity license may be revoked; and

WHEREAS, Tobacco products, including hookah, continue to be sold illegally in Philadelphia by retailers operating without proper permits; and

WHEREAS, The sale of tobacco products without proper permits is particularly prevalent in certain communities that already have disproportionately high rates of tobacco retailers per capita, smoking prevalence, and death relative to higher-income communities; and

WHEREAS, Stringent enforcement of the City's Tobacco Retailer Permit provisions is necessary to prevent negative health effects; and

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WHEREAS, The Department of Public Health has demonstrated its commitment to addressing racial health disparities in Philadelphia by, among other things, recently naming the Department's first-ever chief racial equity officer; and

WHEREAS, Section 5-300 of the Philadelphia Home Rule Charter empowers the Department of Public Health to administer and enforce statutes, ordinances, and regulations relating to public health; and

WHEREAS, The Department of Public Health has the power and responsibility to address racial health inequities resulting from unpermitted tobacco product sales; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the Philadelphia Department of Public Health to exercise the full extent of its authority to address public health issues related to the sale of tobacco products, including hookah, in violation of the Tobacco Retailer Permit provisions of The Philadelphia Code, and to mitigate the disproportionate effect of those sales in certain communities.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the ninth day of June, 2022.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Parker and Gilmore Richardson

Sponsored by: Councilmembers Parker, Gilmore Richardson, Squilla, Gauthier, Jones, Quiñones Sánchez, O'Neill, Brooks and Domb