



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 6/9/2014)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 11/5/15  
MARINA BAKER, ASST BOARD CLERK

## Board Clerk Use Only

Meeting Date: 11/5/15  
Agenda Item #: R.2  
Est. Start Time: 9:45 am approx.  
Date Submitted: 10/29/15

**Agenda Title:** **Public Hearing and First Reading of an Ordinance Amending Multnomah County Code Chapter 21, Health, Relating to Licensing of Tobacco Retailers in Multnomah County**

*Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.*

## Requested

Meeting Date: November 5, 2015 Time Needed: 60 minutes

Department: Non-Departmental Division: Chair's Office

Contact(s): Liz Smith Currie

Phone: 503-988-4435 Ext. 84435 I/O Address: 503/6

Presenter Rhys Scholes, Policy Manager, Office of Government Relations

Name(s) & Dr. Jae Douglas, Environmental Health Director, Health Department

Title(s): Bernadette Nunley, Assistant County Attorney

## General Information

### 1. What action are you requesting from the Board?

Approval of the Ordinance Amending Multnomah County Code Chapter 21, Health, Relating to Licensing of Tobacco Retailers in Multnomah County on first reading to be scheduled for November 5, 2015, with a second reading and possible adoption on November 12, 2015.

### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Board of County Commissioners will consider an ordinance which will:

- a. Require a Tobacco Retail license with fees for every Tobacco Retailer location.
- b. Include inhalant delivery systems (vaping products) containing or delivering nicotine in the retail licensing scheme.
- c. Provide that violation of any tobacco control law is a violation of Tobacco Retail Licensing and may lead to civil penalties.
- d. Prohibit mobile sales.

- e. Offer alternatives to license suspension.
- f. Require a Rulemaking Committee to adopt rules that will be administered by the Health Department.

**3. Explain the fiscal impact (current year and ongoing).**

The Health Department will begin accepting applications for Tobacco Retail licenses on July 1, 2016.

After initial program start up costs, the program will be funded through collected licensing fees.

**4. Explain any legal and/or policy issues involved.**

Oregon does not currently require Tobacco Retailer licenses. The Multnomah County Board of Health adopted Order 2015-011 on February 12, 2015, committing to consider Tobacco Retail Licensing if the Oregon Legislature did not adopt statewide tobacco retail licensing during the 2015 session.

Other jurisdictions have used tobacco retail licensing as a strategy to reduce sales to minors. Licensing can support retailer education and enforcement of regulations regarding sales and marketing of tobacco and tobacco products.

The proposed scheme will promote compliance with federal, state, and local laws relating to the retail sale of tobacco products and discourage violations of tobacco-related laws, particularly those which relate to illegal sales to minors.

**5. Explain any citizen and/or other government participation that has or will take place.**

Following extensive testimony and public outreach in 2014, the Multnomah County Health Department testified on September 24, 2015 about various community approaches to tobacco retail licensing. The County hosted public hearings to solicit feedback on October 20, 2015 in east county and at the Multnomah Building and on October 26, 2015 in Gresham. The County will present a briefing in Fairview on November 4, 2015, and in Wood Village on November 9, 2015.

A second reading of this ordinance is scheduled for November 12, 2015.

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**Required Signature**

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**Elected  
Official or  
Department  
Director:**

Nancy Bennett /s/

**Date:**

10/29/15

*Note: Please submit electronically. Insert names of your approvers followed by /s/ - we no longer use actual signatures. Please insert date approved.*