

Tobacco Retail Licensing: Program Update

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March 23, 2017

Desired Outcomes

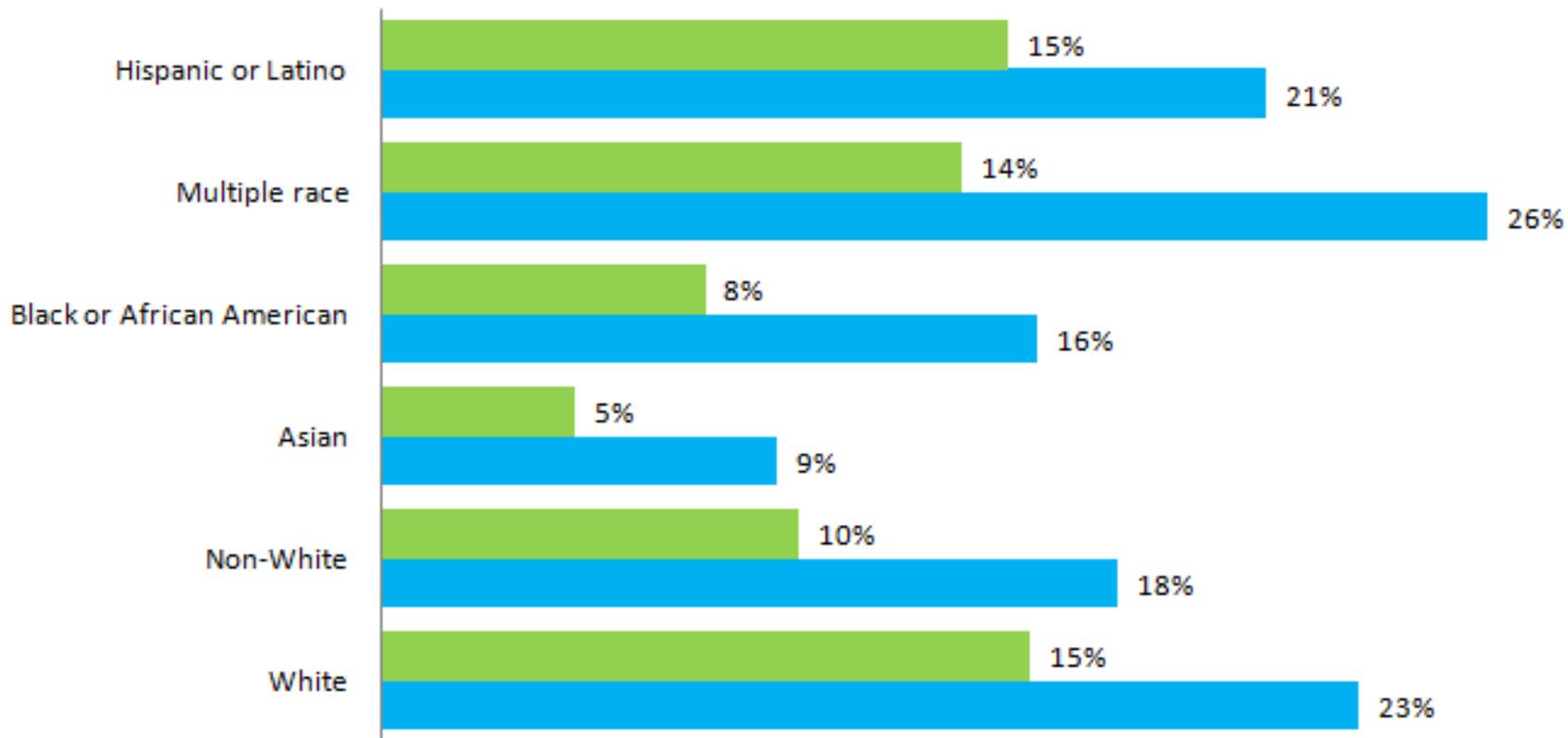
- Provide an overview of our Tobacco Retail Licensing Program, including:
 - Background
 - Research and development
 - Stakeholder engagement and outreach
 - Rules Advisory Committee
 - Program by numbers: where we are today
- Questions and/or comments



2015 Oregon Healthy Teens Data

Tobacco use by Multnomah County 11th Graders, 2015

Any tobacco (excl. vape) Any tobacco (incl. vape)



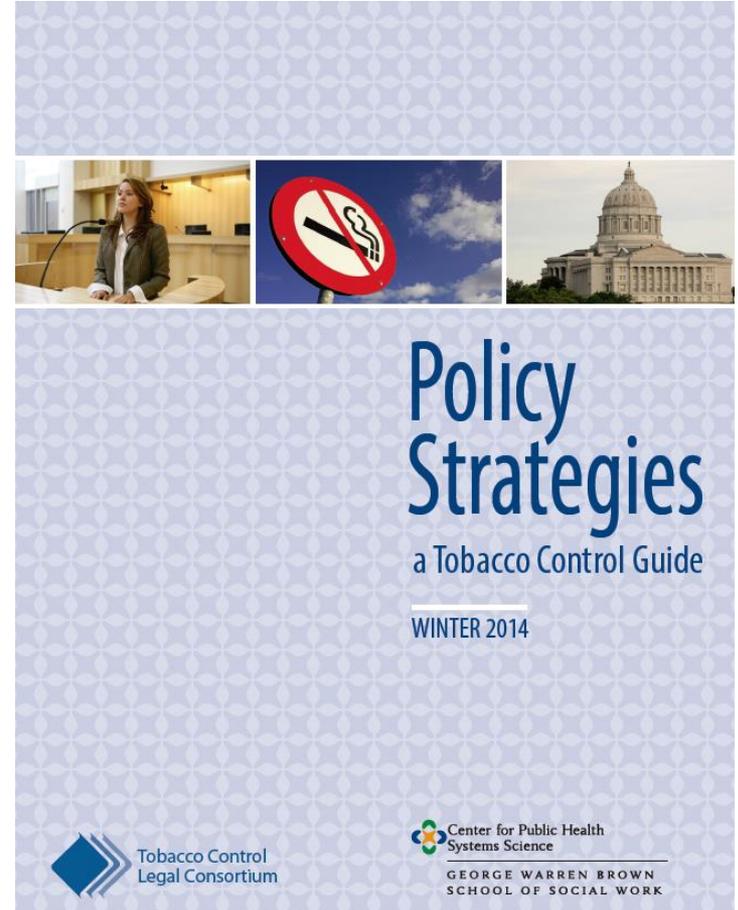
2015 Oregon Healthy Teens Data

	8th Grade	11th Grade
Past 30 Day Use		
Overall Tobacco Use	9.6%	21.4%
Cigarettes	2.9%	7.0%
E-Cigarettes	7.2	16%
Hookah	4.3%	7.2%
Little Cigar/Cigarillo	2.4%	5.4%
Chew (males only)	1.7	5.3%



Research and Development

- Best practices from around the country
 - Evidence-based
 - Reducing access to minors
- Model Policies
 - ChangeLab Solutions, Public Health Law Center
 - Local Jurisdictions: OR, CA, NY



Early Stages of Tobacco Retail Licensing

- Informational Briefings
 - November 2014 – February 2015
- Action by Board of Health
 - Passed Policy Order 2015-011
- Action by Board of County Commissioners
 - Passed Ordinance 1214



Multnomah County: Nafisa Fai of the Oregon Health Equity Alliance tells commissioners of tobacco and e-cig marketing to children at Dec. 18, 2014 board briefing

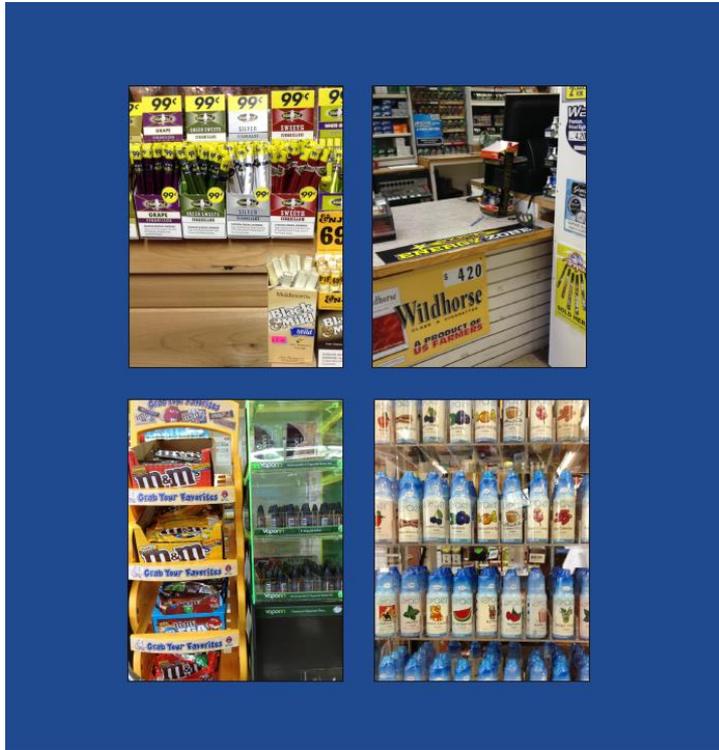


Multnomah County: Dr. Jennifer Vines demonstrates how e-cigarettes work at Nov. 13, 2014 board briefing on access to tobacco and e-cigarettes

Understanding the Tobacco Retail Environment

Tobacco Retail Licensing Policy: A Health Equity Impact Assessment

October 2015



The Selling of Tobacco
in Multnomah County

June 2015



A project of Upstream Public Health in collaboration with an expert advisory workgroup. This project was partially funded by a grant from the Knight Cancer Institute Community Partnership Program at Oregon Health & Science University in February 2015, and through a Strategies for Policy and Environmental Change grant awarded to the Multnomah County Health Department in 2014. Contact: 503-284-6390 | Tia Henderson, Research Manager | www.upstreampublichealth.org



TRL Outreach & Engagement



Multnomah County: Amira Spears-Hardy addresses the board at Oct. 20, 2015 public hearing



Multnomah County: High school student Marlisa Rebaum is a member of a tri-county group of students working to promote a tobacco-free world.

Tobacco Retail Licensing Implementation

July 2016 – March 2017



Rules Advisory Committee

- 17 members representing diverse interests
 - Independent, minority-owned stores
 - Public health advocates
 - Youth
 - Corporate grocery



Multnomah County: TRL Rules Advisory Committee meeting

Public Response to Rules

- **85%** of respondents agreed that these rules are likely to reduce youth access to tobacco and nicotine products.
- **77%** of respondents agreed that these rules are fair to all tobacco and nicotine retailers.



TRL Program Overview

- License fee and civil penalties will fund the implementation of this evidence-based practice to:
 - Increase retailer knowledge of and compliance with laws governing the sale of tobacco and nicotine products.
 - Reduce youth access to tobacco in our community.

Laws on Underage Tobacco Sales

Endangering the welfare of a minor
ORS* 163.575
A person commits this crime if he or she knowingly distributes, sells or allows to be sold to a person under 18 years old:

- Tobacco in any form; or
- An inhalant delivery system, as defined in ORS 431A.175.

Posting signs about selling tobacco, inhalant delivery systems or smoking devices
ORS* 163.580, ORS 431A.175
A person selling tobacco, inhalant delivery systems or smoking devices must display a sign clearly stating that these products cannot be sold to persons under 18 years of age.

Random inspections of tobacco product sellers
ORS* 431A.183
The Oregon Health Authority and law enforcement agencies conduct random, unannounced inspections of wholesalers and retailers of tobacco products or inhalant delivery systems to ensure compliance with laws relating to sales of tobacco or inhalant delivery systems to minors.

Distribution and sale of tobacco products; posting a notice
ORS* 431A.175
It is unlawful to:

- Distribute free tobacco products to persons under 18 years of age as part of a marketing strategy;
- Fail to post a notice that it is unlawful to sell tobacco products or inhalant delivery systems to persons under 18 years of age. This notice must be clearly visible to the seller and the purchaser of tobacco products or inhalant delivery systems;
- Sell cigarettes in any form other than a sealed package.

Locating tobacco products in a retail store
ORS* 167.407
Tobacco or inhalant delivery systems may not be in a location in the store where they are accessible by store customers without assistance by a store employee, unless persons younger than age 18 are prohibited from the establishment.

*ORS: Oregon Revised Statute

Would you like more information about the laws against selling tobacco and vaping products to minors? EMAIL: Tobacco.Inspections@state.or.us

Oregon Health Authority
PUBLIC HEALTH DIVISION
ORA 9431 (04/19)

This document can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request this publication in another format or language, contact the Health Promotion and Chronic Disease Prevention Section at 971-673-0894, 711 for TTY, or email Tobacco.Inspections@state.or.us



TRL Program Overview

- \$580 per license
- 875 licenses to be issued (estimated)
- \$507,500 in revenue
- 4.10 FTE
- Media Campaign: June 2016 – Sept. 2016
- Outreach/education: June 2016 – Ongoing
- Licensing: Began July 1, 2016



Multnomah County's TRL Program by Numbers as of 2/28/2017

- Licenses issued: 737
- Number of open Operating Without a License (OWOL) pending applications: 18
- Number of annual compliance inspections completed: 74
- Number of outreach visits completed:
 - 199 total
 - 175 previous violators outreach visits
 - 24 proximity to schools outreach visits



Multnomah County: Inga Suneson conducting a retail assessment as a part of the SPARC project



Tobacco Retail Licensing: Education & Outreach to Retailers

¿Es usted un **minorista** en el **Condado de Multnomah** que vende **tabaco** y/o **productos con nicotina**?

Si es así, sabía que:

- A partir del 1.º de julio de 2016, se requiere que usted cuente con una licencia para vender tabaco o productos con nicotina.
- Las solicitudes ya están disponibles en: **mchealthinspect.org**

Para obtener más información, escriba a:

hlth.tobacco.prevention@multco.us, o llame al 503-988-4163



您是否是在穆鲁玛郡销售烟草和/或尼古丁制品的零售商?

如果是, 您是否知晓:

- 自 2016 年 7 月 1 日起, 您必须持有许可证才可以销售烟草和尼古丁制品。
- 现在即可从 **mchealthinspect.org** 上获取申请表

如需更多信息, 请联系:

hlth.tobacco.prevention@multco.us (电子邮件) 或 503-988-4163 (电话)



TRL Enforcement Activities



Things to know about selling tobacco and nicotine products in Multnomah County

For this ordinance, tobacco products are defined as any substance containing, made from or derived from tobacco that is intended for human consumption, including but not limited to: cigarettes, cigars, little cigars, pipe tobacco, shisha, snuff, chewing tobacco bidis, etc; electronic cigarettes or any inhalant delivery system containing or delivering nicotine; vape juice, e-liquid or any liquid solution that contains nicotine that is intended for human consumption. This does not include FDA approved nicotine products for tobacco cessation such as nicotine patches, gum or lozenges.

Only sell tobacco products to people who are 18 years of age or older. Make sure you ask customers who look younger than 27 years of age for ID's and check the birthdates carefully. (CFR § 1140.14(a)) (ORS 431A.175) (MCC § 21.563)

About your Tobacco Retail License

All locations selling tobacco products must have a valid annual Tobacco Retail License, issued by the Multnomah County Health Department, Environmental Health Services, Tobacco Control and Prevention Program, starting on July 1, 2016. (MCC § 21.561)

Multnomah County will provide a paper license that must be displayed at your location, easily visible to customers. (MCC § 21.561)

All locations must display required signage (provided with license) under Oregon State law that states it is illegal to sell tobacco or inhalant delivery systems to persons under 18 years of age. (ORS 431A.175)

Packaging

Tobacco Products as defined above must be sold in original packaging with health warnings. Cigarettes must be sold in packages of 20. Tobacco products cannot be opened to be sold as single units, such as single cigarettes (aka "loosies") or snus pouches. (MCC § 21.563) (CFR § 1140.10(b)) (CFR § 1140.14(2d)) (ORS 431A.175)

Inhalant delivery systems must be packaged and labeled according to law. (ORS 431A.175)

6/2016

How to Read an Oregon ID

Oregon sales clerks must check all persons under the age of 27 for valid ID before selling them tobacco products. There are no tobacco-specific forms of picture ID, but the following IDs are acceptable as proof of age:

- Passport;
- Driver license with picture from Oregon or another state;
- Identification card with picture from Oregon or another state; and
- Any other ID card issued by a state or federal government agency.

The ID must contain the person's:

- Photo
- Name
- Address
- Date of birth
- Physical description
- Signature

How to check under 18 ID

This date refers to the date the individual will turn 18. The customer needs to be 18 or older to purchase tobacco or vaping products. The red border feature is only on Oregon licenses and ID cards of those under 21.



Most customers carry an Oregon Driver License or an Oregon Identification Card. The Oregon Driver and Motor Vehicles (DMV) Service Branch issues both cards, which look almost the same.

Do not rush or allow yourself to be pressured when checking a customer's ID. You need to carefully check in order to obey the law.

You can quickly check an Oregon Driver License or Oregon ID by looking at the information within the red border.

Would you like more information about the laws against selling tobacco and vaping products to minors? EMAIL: Tobacco.Inspections@state.or.us



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OHA 9492 (03/16)



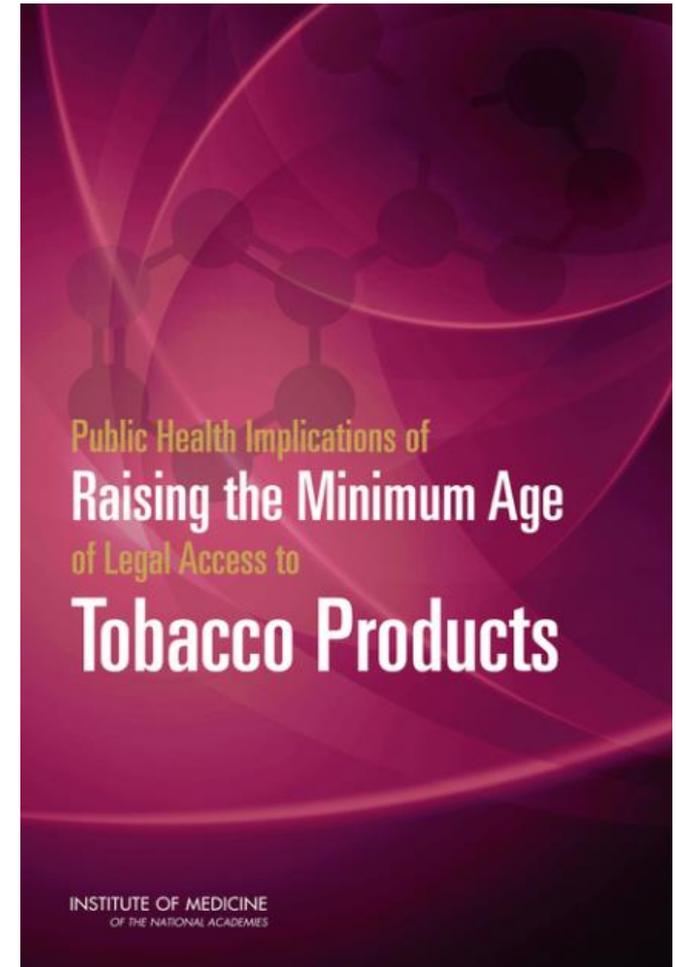
Penalties Overview

- The civil penalties for violating any provision related to tobacco retail facilities may include:
 - 1st violation: \$500 fine and mandatory training
 - 2nd violation within 60 months: \$500 fine and 30-day license suspension
 - 3rd violation within 60 months: \$750 fine and 90-day license suspension
 - 4th violation within 60 months: \$1000 fine and license revocation for 2 years



Considerations to Further Reduce Youth Access

- Raising the minimum legal sales age (T-21) would strengthen existing TRL to reduce youth access.
- Oregon state law contains no preemption language.
- T-21 is consistent with Oregon marijuana and alcohol sales age laws.



Questions?

