

Things to know about selling tobacco and vape 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 does or does not contain nicotine that is intended for human consumption. Not included are FDA approved nicotine products for tobacco cessation such as nicotine patches, gum or lozenges.

Only sell tobacco products to people who are 21 years of age or older. Make sure you ask customers who look younger than 30 years of age for ID's and check the birth dates 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, since 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 21 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 § 1140.16(b)) (CFR § 1140.14(2d)) (ORS 431A.175)

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

Point of Sale

Keep all tobacco products behind the counter in an area accessible only to employees/owners or in a locked case. (ORS 167.407)

Selling tobacco products in vending machines is only allowed in facilities that prohibit persons under 21 years of age. (ORS 167.402)

Promotions

It is illegal to sell any flavored cigarettes except menthol or cigarettes labeled "light," "low tar," or "mild." (21 US Code § 387g) (Section 911(b)(2)(A)(ii) of the Federal Food, Drug, and Cosmetic Act)

It is illegal to offer gifts or other items when purchasing a tobacco product. (CFR § 1140.34(b))

Samples of tobacco products are illegal except in locations that exclude persons under 21 years of age. (21 US Code § 387 a-1(a)(2)(G)) (ORS 180.486)(431A.175)

Working with Multnomah County

Tobacco retailers must permit access for Multnomah County inspectors to perform annual inspections and investigations. (MC TRL Rules § H.2.a)

Tobacco retailers must cooperate in remediation planning. (MC TRL Rules § H.2.b.i)

A tobacco retail license is non transferable. If you should move your business within Multnomah County, you must obtain a new license prior to selling tobacco products at the new location. If a licensed business is sold or transferred, the new owner must obtain a new license for that location before selling tobacco products.

If you have any further questions please contact us at: 503-988-4163 or hlth.tobacco.prevention@multco.us