

Frequently Asked Questions about Tobacco Retail Licensing

The Board of County Commissioners on Oct. 28, 2015 released a draft ordinance on tobacco retail licensing. Below are answers to common questions about the action.

What is this ordinance?

Oregon does not currently require licenses for people and businesses that sell tobacco products. The Multnomah County Board of Health adopted Order 2015-011 on Feb, 12, 2015, committing to consider tobacco retail licensing if the Oregon Legislature did not adopt statewide tobacco retail licensing during the 2015 session.

What does the ordinance do?

The ordinance would amend the Multnomah County Code Chapter 12, Health, Relating to Licensing of Tobacco Retailers. It would:

- a. Require an annual 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 Multnomah County Health Department.

When will the Board vote on this ordinance?

Multnomah County Commissioners have scheduled the first reading on Nov. 5, 2015, with a second reading, and possible adoption, on Nov. 12, 2015. The ordinance would go into effect 30 days from approval, although rule making is expected to take some months.

Benefits of licensing:

When retailers selling tobacco or nicotine products are licensed, they must comply with all relevant laws or risk losing the privilege of selling these products. Licensing:

- Identifies all retailers selling tobacco and nicotine products, including vaping products.
- Educates retailers about laws and regulations.
- Allows enforcement when retailers illegally sell to minors or violate other laws.

How can the county fund a licensing program?

After an initial start up, tobacco retail licensing will be funded with fees that cover the cost of administering the program and enforcing the laws, similar to the county's restaurant inspection program.

What will the new license cost?

A fee and penalty schedule will be approved by the Board. The Health Department has estimated annual fees to be between \$350 and \$600 per license, per year.

Why is the Board taking this issue up now?

- The rate of sales of tobacco to minors in Multnomah County is triple the national rate according to the most recent* Synar studies by the U.S. Substance Abuse and Mental Health Services Administration.^[i]
- E-cigarette use tripled among U.S middle and high school students during 2013-14, and is rising.^[ii]
- Many "vaping" (e-cigarette) liquids contain nicotine and other ingredients that may be harmful. It is difficult to know what is in vaping liquids, as there is no labeling requirement.
- Kids who start using tobacco don't realize how hard it is to quit: According to the Surgeon General, nearly 90% percent of smoking adults began before age 18.^[iii]
- Tobacco is the leading cause of preventable death in Multnomah County.^[iv]

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What will a license requirement do?

- These laws have been effective at limiting illegal youth access to tobacco products. A study of 26 communities with strong licensing laws showed dramatic decreases in illegal sales to minors.^[v]
- License fees pay for regular enforcement and education— not taxes.
- A proposed ordinance will allow for local enforcement of all tobacco related laws and for education of retailers about their responsibilities under the law. Local enforcement empowers communities to impose meaningful penalties for illegal sales to minors and ensure compliance with all existing laws.

Who will determine the fees and fines?

The Board will appoint a rulemaking committee of business, nonprofit and community members and Health Department staff to develop the fee and fine structure, process and other rules. The Board will approve the structure.

Advocates raised issues not included in this ordinance around the age of legal sale, flavors and density of retailers. What happened to that discussion?

This ordinance applies only to licensure. The Board will continue the conversation around ways to limit youth use of tobacco and inhalant delivery systems.

Will there be further public discussion?

The county will brief the Fairview City Council on Wednesday, Nov. 4, at 8 p.m. and the Wood Village City Council on Monday, Nov. 9, at 6 p.m. You can also [comment online here](#) until 5 p.m. Tuesday, Nov. 10, 2015.

[i] *FY 2014 for county and FY 2013 for national. (National FY 2014 numbers are due in December.)

[ii] Centers for Disease Control and Prevention and the U.S. Food and Drug Administration's Center for Tobacco Products (CTP). Morbidity and Mortality Weekly Report (MMWR), April 16, 2015.
<http://www.cdc.gov/media/releases/2015/p0416-e-cigarette-use.html>

[iii] Preventing Tobacco Use Among Youth and Young Adults Fact Sheet. Surgeon General. US Department of Health and Human Services, accessed October, 2015
<http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/factsheet.html>

[iv] The Selling of Tobacco in Multnomah County. Multnomah County Health Department, June 2015.
<https://multco.us/file/42999/download>

[v] Tobacco Control Legal Consortium, License to Kill?: Tobacco Retailer Licensing as an Effective Tool, April 2010.
<http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>