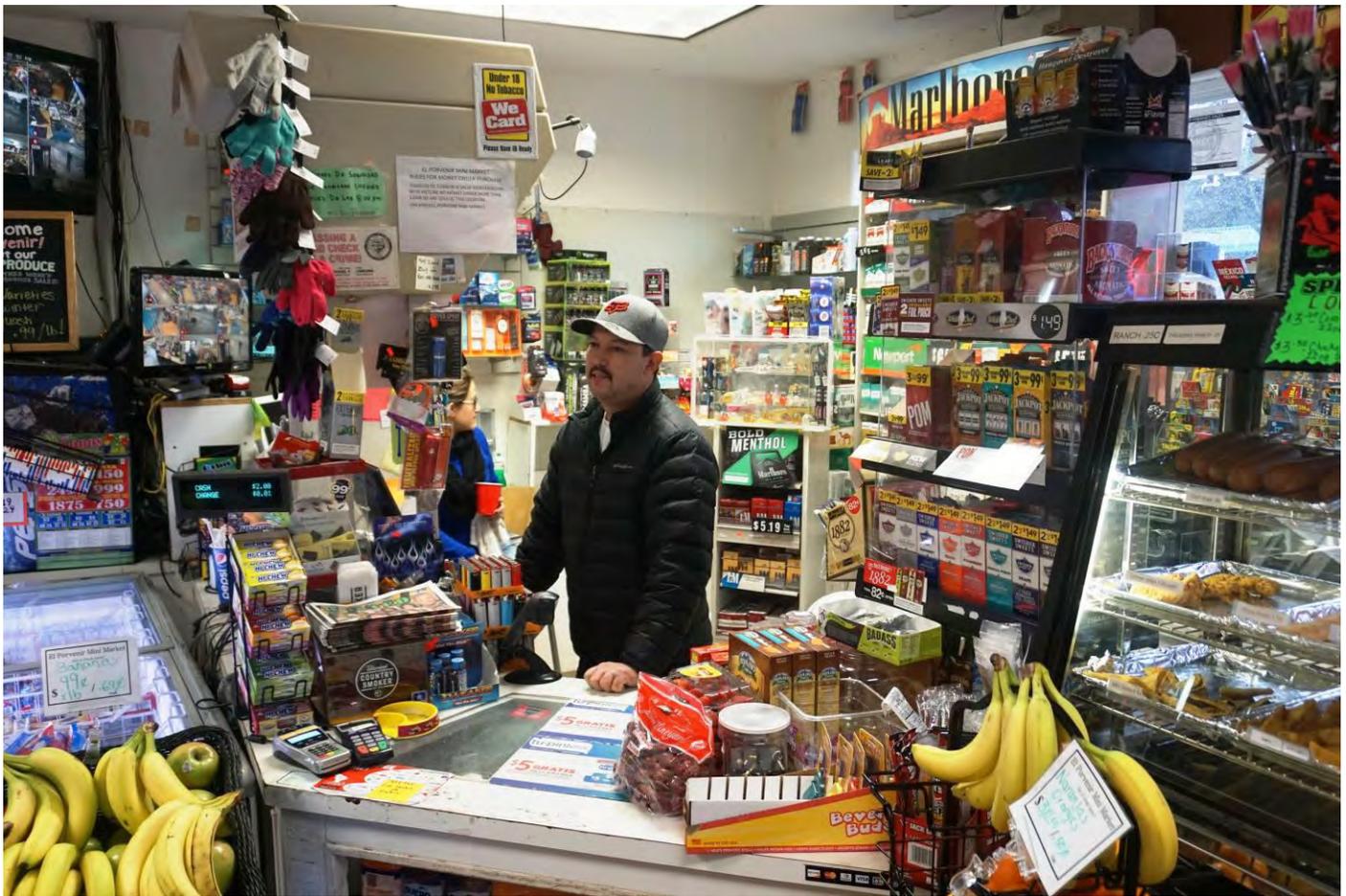


Tobacco Retail License Training

Rules and Responsibilities for Places Selling Tobacco Products in Multnomah County



Do you need translation help?

| | |
|-------------------|---|
| English | Do you need help with translation? For free translation, contact us at 503-988-4163 or hlth.tobacco.prevention@multco.us |
| Spanish | ¿Necesita servicios de traducción? Para recibir una traducción gratuita, contáctenos en al 503-988-4163 o escriba a hlth.tobacco.prevention@multco.us . |
| Korean | 한국어 번역이 필요하시다고요? 503-988-4163 번으로 전화하시거나 hlth.tobacco.prevention@multco.us 로 연락하시면 무료로 번역 서비스를 받으실 수 있습니다. |
| Vietnamese | Quý vị có cần trợ giúp bản dịch? Để nhận được bản dịch miễn phí, liên hệ chúng tôi theo số 503-988-4163 hoặc hlth.tobacco.prevention@multco.us . |
| Chinese | 是否需要翻译帮助? 如需免费翻译服务, 请联系我们, 电话: 503-988-4163 或电子邮件: hlth.tobacco.prevention@multco.us 。 |
| Somali | Ma u baahan tahay in laga caawiyo turjumida? Wixii la xiriira turjumaad lacag la'aan ah, nagala soo xiriir 503-988-4163 ama hlth.tobacco.prevention@multco.us . |
| Russian | Вам нужна помощь с переводом? Чтобы получить бесплатный перевод, свяжитесь с нами по тел. 503-988-4163 или по эл. почте hlth.tobacco.prevention@multco.us . |

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About Tobacco Retail License Training and Quiz

This training was developed to:

1. Educate Tobacco Retailers, employees, and the public on the requirements and responsibilities of a Tobacco Retail License in Multnomah County.
2. Make sure Tobacco Retailers complete their mandatory training if they receive a Tobacco Retail License penalty.

Reading this information will take around 20-40 minutes.

DISCLAIMER: Rules and regulations contained in this training are subject to change. We will work to keep this training updated and communicate changes.

Tobacco Retail License Quiz

There is a 10-20 minute quiz at the end of this training that will test your knowledge on the content.

As part of your Tobacco Retail License you need to ensure all employees are aware of these rules. This quiz is a tool you can use to make sure employees understand the Tobacco Retail License rules.

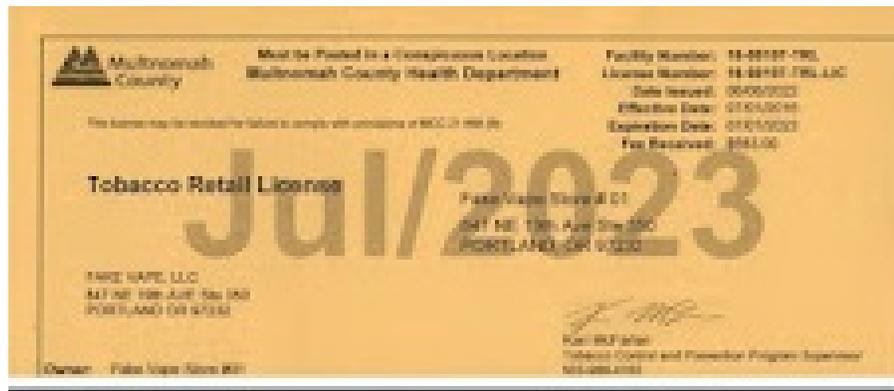
Every Tobacco Retailer in Multnomah County who has been found in violation of the Tobacco Retail License rules is required to take this mandatory training.



About your new Tobacco Retail License

Any business that sells tobacco, nicotine and vaping products in Multnomah County is required to purchase a yearly license.

This license is called your “Tobacco Retail License”.



This license requirement applies to any business that sells tobacco and nicotine products, including:

- Convenience stores
- Bars
- Hotels
- Restaurants
- Music venues such as concert halls and musical festivals

Why do we have this requirement?

The goal of the Tobacco Retail Licensing program is to increase education for Tobacco Retailers and employees in order to reduce youth access to tobacco products across Multnomah County.

Enforcement of Tobacco Retail licenses has been shown to greatly reduce youth tobacco use rates where it has been applied (Public Health Law Center, 2017).



Smoking Health Effects on Youth

According to the Center for Disease and Control and Prevention (2016), 1 out of 13 youth will ultimately die prematurely from a smoking-related illness if current smoking rates continue. Youth and young adults who smoke are in serious danger and smoking can cause deadly health issues instantly and into adulthood. They are in danger of:

- nicotine addiction (exposure to nicotine can have lasting effects on adolescent brain development)
- reduced lung function
- reduced lung growth; and
- early cardiovascular damage.

Smoking Effects Locally

Tobacco use is still the leading preventable cause of death in Oregon and in Multnomah County. One in five (21%) deaths are tobacco-related, and the medical care from tobacco use costs more than \$200 million annually. Including Tobacco Retail Licensing (especially local) seems to be one of the best practices designed to reduce youth access to tobacco products (Multnomah County Health Department, 2015).

Statewide Tobacco Retail Licensing

- SB 587 (Tobacco Retail Licensing) was passed by the Oregon State Legislature and signed into law by the Governor in 2021.
- Effective January 1, 2022, all Oregon tobacco retailers in counties without established Tobacco Retail Licensing programs are required to have state license.
- Department of Revenue issues the annual license. Oregon Health Authority will enforce the rules beginning in July, 2022.
- Counties with existing tobacco retail licensing programs, including Multnomah County will continue issuing its current tobacco retail license.
- The Department of Revenue continues to check your tax stamps and receipts, not Multnomah County.)



**Multnomah County
retailers do not need a
state license!**

Rules for your Tobacco Retail License (TRL)

A Tobacco Retail License cannot be transferred to another business.

If you move your business to a new address within Multnomah County, you must obtain a new license before selling tobacco products at the new location.

If a licensed business is sold or transferred (change of ownership), the new owner must obtain a new license for that location before selling tobacco products.

A separate fee is required for each business license.

Each TRL is for 1 location ONLY.

✘ Not Allowed

✔ Allowed



Not allowed because there are 3 locations with only 1 license.

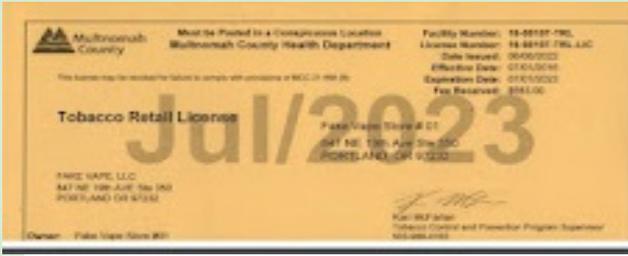


Allowed because each location has their own license.

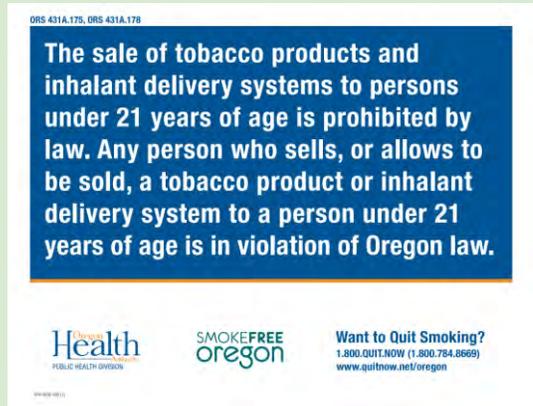
Required Signs to Display

Your store must display required signs:

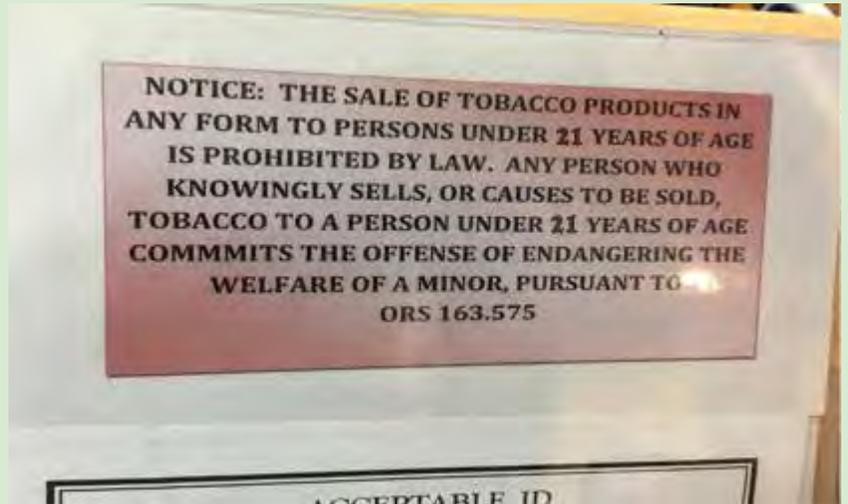
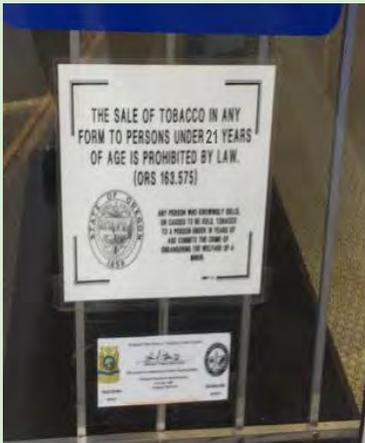
Multnomah County's Tobacco Retail License



Oregon State Notice Posting 333-015-0205



You have the option to post your own sign **if** your sign has very similar language as the Oregon State Notice Posting.



Where to Display Required Signs

Multnomah County will provide a paper license and an Oregon State Notice Posting that must be displayed at your location in a location visible to customers.

- Customers and employees should clearly be able to see the license and sign.
- An employee break area or back office is not an acceptable place to display the license and sign.

✘ Not Allowed



The signs are posted in a break room where they are not seen by customers.

✔ Allowed



The signs are posted where both the employee and customer can see them.

Tobacco Products that will be Regulated Under Your License

You are required to have a Tobacco Retail License if you sell any of the following “Tobacco Products.” The rules in this training document refer to these products.

Below are examples of each of these products and do not represent every type or brand or product of that category.



Cigarette products



Cigars



Cigarillos (Swisher Sweets)



Little Cigars



Chewing Tobacco



Snus



Shisha (hookah) with nicotine



Pipe Tobacco



Electronic Cigarettes



E-liquids (e-juice, vape juice) with nicotine

If your store sells any “Tobacco Products,” you are required to have a Tobacco Retail License. If you sell any Tobacco Products and you do not yet have a license, apply here: <https://multco.us/health/inspections-and-licensing/tobacco-retail-license>

Rules for Behind the Counter

“Behind the Counter” is where to display/store Tobacco Products in your store.

These Tobacco Retail License rules apply to places that allow customers under the age of 21 years old.

X Not Allowed



Do not place Tobacco Products where customers are able to easily take them without help from a clerk.

✓ Allowed



Keep all Tobacco Products behind the counter in an area only accessible to employees/owners or in a locked case.

The clerk can only give Tobacco Products to the customer (who looks under the age of 30) once their ID has been checked.

Checking IDs

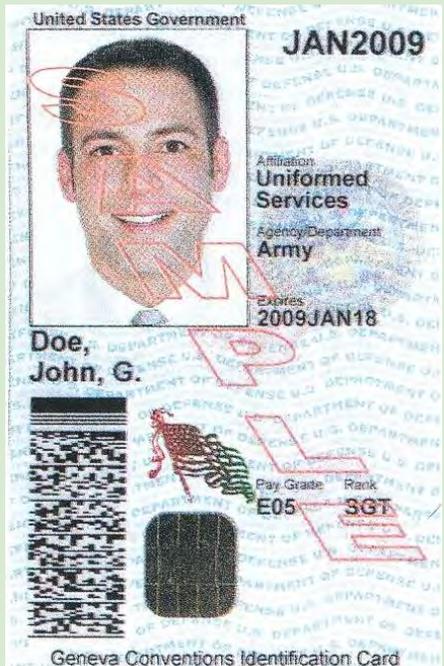
You can only sell Tobacco Products to customers aged 21 and older.

Check photo ID of everyone who looks under age 30 who tries to buy Tobacco Products.

Valid Forms of ID are:

- Drivers license or driving permit with picture from Oregon or another state.
- Identification Card with picture from Oregon or another state.
- Any other ID card with a birthdate and picture issued by a state or federal government agency.

Valid Forms of Federal ID are:

| Military ID | Passport Card | Permanent Resident Card |
|--|--|---|
|  <p>United States Government JAN2009 Affiliation: Uniformed Services Agency/Department: Army Expires: 2009 JAN 18 Doe, John, G. Pay Grade: E05 Rank: SGT Geneva Conventions Identification Card</p> |  <p>UNITED STATES OF AMERICA PASSPORT CARD Nationality: USA Passport Card no.: C03003416 Surname: TRAVELER Given Names: HAPPY Sex: M Date of Birth: 1 JAN 1981 Place Issued: NEW YC Issued Or: 30 NOV M-8131821-07 UNITED STATES DEPART</p> |  <p>UNITED STATES OF AMERICA PERMANENT RESIDENT Surname: SPECIMEN Given Name: TEST V USCISa: 000-000-462 Category: IR1 Country of Birth: Democratic Republic of Congo Date of Birth: 17 AUG 1958 Sex: M Card Expires: 05/10/11 Resident Since: 01/01/15</p> |

You can only sell to the customer **if** the year of their birthday on their ID is 2001 or earlier **and** the day of birth is today's date or earlier.

The picture on the ID must match the customer.

New Vertical Design - Oregon Driver License for Under 21 yr olds
(Released Dec. 2018)



*Senate Bill 754, signed into effect August 2017

Checking IDs: Helpful Hints

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

1. Ask the customer for an identification card.
2. Make sure that the identification card has not expired.
3. Make sure that the person on the card looks like the customer.
4. Make sure that the person on the card is 21 or over.
5. Text should be easy to read.
6. Text should be placed properly.
7. Text should be all the same font.
8. Look for any signs of alteration or peeling lamination.

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



21 and older Oregon Driver's License

If the picture on the left is an Oregon ID, the customer is over 21 and can buy Tobacco Products.



Older Version of Under 21 Oregon Driver's License

If the picture is on the right of an Oregon ID, the customer was under 21 when their license was issued. The customer's birthday is in the red box around the picture with the date of when they turn 21 (top of box).

How to Decline an Illegal Sale

If someone tries to buy Tobacco Products, does not have the proper ID, or is a minor, follow these steps:

1. Be calm
2. Remove the product from the counter
3. Be polite
4. Don't accuse or become confrontational
5. Stick to the facts
6. Resist customer pressure
7. Seek management assistance when necessary



Cigarette, Cigarette Tobacco, and Roll-Your-Own Tobacco Sales Rules

Cigarette products include: cigarettes, roll-your-own, kreteks, bidis, sticks, and pipe tobacco.

| | Legal | Illegal |
|---|---|---|
| Can I give away free samples of product including any of their components or parts? | | X |
| Can I sell flavored products? |  <p>✓</p> <p>Menthol flavored cigarettes are allowed.</p> |  <p>X</p> <p>All other flavors cannot be sold.</p> |
| Can I sell products labeled as light, low, or mild? | |  <p>X</p> <p>Cigarettes cannot be labeled as light, low, or mild</p> |

Cigar and Other Cigar Products Sales Rules

Products include: cigar, cigarillos and little cigars

| | Legal | Illegal |
|---|--|---------|
| Can I give away free samples of product including any of their components or parts? | | X |
| Can I sell flavored products? | ✓ | |
| Can I open package and sell individually? | Exception: Cigars can be sold as individually wrapped packages but must be in original packaging | X |

Smokeless Tobacco Sales Rules

Products that are smokeless tobacco include: chewing tobacco, snus, and snuff.

| | Legal | Illegal |
|---|--|--|
| Can I give away free samples of product including any of their components or parts? | | <p style="text-align: center;">X</p>  |
| Can I sell flavored products? | <p style="text-align: center;">✓</p>  | |
| Can advertisements for products be displayed without health warnings? | | <p style="text-align: center;">X</p> |

Inspection Types

| | |
|--|---|
| <p>Routine Inspection: Each Tobacco Retailer will be inspected at least one time every year during regular business hours to make sure there are no violations of the rules.</p> |  |
| <p>Complaint Inspection: There may be additional inspections in response to complaints received against Tobacco Retailers to make sure there are no violations of the Rules.</p> |  |
| <p>Surveillance Inspection for Suspension: Tobacco Retailers who are under surveillance will be inspected to make sure that they do not have Tobacco Products displayed, are not selling Tobacco Products, and have the license suspension sign displayed after having been found out of compliance and not following the remediation plan. Retailers who are no longer selling Tobacco Products will also be under surveillance.</p> |  |
| <p>Recheck Inspections: Recheck inspections will happen if violation(s) are found during a routine or complaint inspection.</p> |  |
| <p>Youth Inspections: Tobacco Retailers may be inspected each year during regular business hours to make sure there are no tobacco sales to customers under 21 years old.</p> |  |

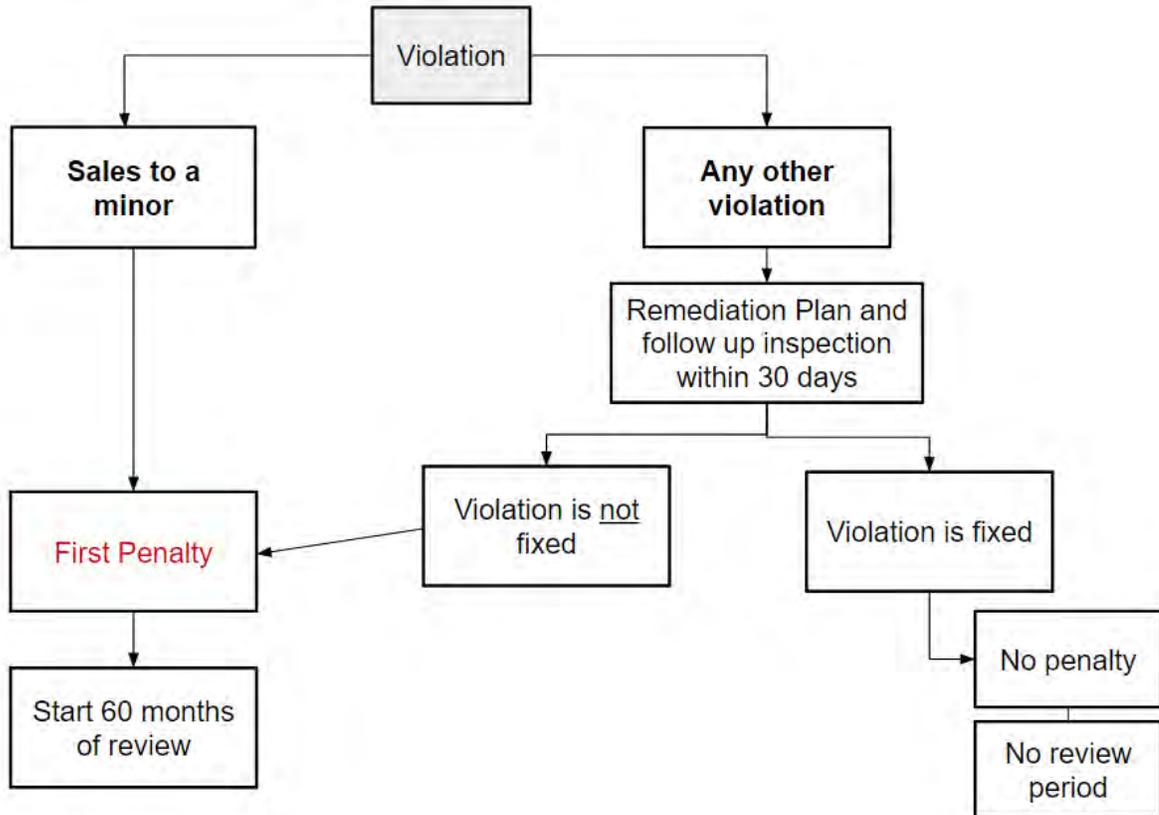
List of Violations of Tobacco Retail License

| | Violation | Rule |
|----|--|---|
| 1 | Sales to minors | It is prohibited to sell Tobacco Products to customers under the age of 21. |
| 2 | Operating without a License | A Multnomah County Tobacco Retail License is required to sell Tobacco Products. |
| 3 | TRL not displayed | It is required that the Tobacco Retail License is displayed in a place visible to customers and the owner. |
| 4 | Not in original packaging | Tobacco Products must be sold in original packaging including health warnings. |
| 5 | Vending machine not in 21+ only | Vending machines are only permitted in places where customers under 21 are prohibited entry. |
| 6 | Self-service observed | Self-service displays for Tobacco Products are prohibited except in facilities where only persons 21 and older can enter. For example, a cigarette vending machine is allowed if the location limits entry to persons 21 and older. |
| 7 | Pack size less than 20 | Cigarettes must be sold in packages of 20. |
| 8 | Cigarette singles sold | No single cigarettes or smokeless tobacco pouches can be sold. |
| 9 | Flavored cigarettes sold | It is prohibited to sell any flavored cigarettes except menthol. |
| 10 | Gifts offered | No gifts or other items may be offered in exchange for purchasing a tobacco product. |
| 11 | Free samples given | No free samples of tobacco products except for smokeless tobacco at places where only people 21 and older can enter. |
| 12 | Light, low, or mild products sold | It is prohibited to sell cigarettes labeled “light” “low tar” or “mild.” |

| | Violation | Rule |
|-----------|--|--|
| 13 | No State sign | It is required to post the State Notice sign that states that it is unlawful to sell tobacco or inhalant delivery systems to customers under 21. |
| 14 | Incorrect IDS packaging | Inhalant delivery systems must be packaged and labeled according to the rules. |
| 15 | Tobacco Products displayed | No Tobacco Products may be displayed without a valid Tobacco Retail License. |
| 16 | No suspension sign | During suspension, sign must be posted stating Tobacco Products cannot be sold. |
| 17 | Failure to permit access | Tobacco Retailers must permit access for inspection or investigation. |
| 18 | Refusal to comply | Tobacco Retailers must cooperate in remediation planning. |
| 19 | Sales of Tobacco Products during suspension | Tobacco Retailers are prohibited from displaying or selling Tobacco Products during license suspension. |

Penalties for not meeting requirements of Tobacco Retail License

Tobacco Retail License Violation Process



| | |
|-------------------------------------|---|
| 1st penalty | \$500 fine and mandatory training |
| 2nd penalty within 60 months | \$500 fine and 30-day license suspension |
| 3rd penalty within 60 months | \$750 fine and 90-day license suspension |
| 4th penalty within 60 months | \$1,000 fine and license revocation for 2 years |

Tobacco Retail License Support

Tobacco Retailers must allow Multnomah County inspectors into their business to do inspections.

If you do not let the inspector perform the inspection you may be in violation of your license.

The inspector will identify whether you are following the Tobacco Retail License rules.

Multnomah County Health Department inspectors are here to help your business follow the rules of the Tobacco Retail License.



We also offer consultation services where our Tobacco Retail License Specialist will go around your store with you to see if you are in compliance or not in compliance.

For more information:

<https://multco.us/health/inspections-and-licensing/tobacco-retail-license>

Recap of Rules

1. You need a Tobacco Retail License if you own a place that sells tobacco and nicotine products.
2. Each license is for one location.
3. Each license is good for twelve months.
4. You must post the two required signs.
5. Keep products behind the counter where they are only accessible to employees.
6. Check IDs and do not sell to minors.
7. Make sure products are sold and labeled correctly.
8. Do not give out free items with purchases or offer free samples.

Resources

- [FDA \(Federal\) Retailer Guidance](#)
- [FDA \(Federal\) Tobacco Retailer Education](#)
- [How to Read an Oregon ID](#)
- [Multnomah County Tobacco Retail License Webpage](#)
- [Oregon Health Authority Laws on Underage Tobacco Sales](#)
- [Oregon Health Authority Required Sign](#)
- [Oregon Driver Licenses: Know the Differences](#)

References

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5. Packaging and Labeling Oregon Administrative Rules Chapter 333, Division 15. Oregon Health Authority, Public Health Division (2016).
6. Public Health Law Center. (2017). *Retail Environment and Licensure*. Retrieved from:
<http://www.publichealthlawcenter.org/topics/tobacco-control/retail-environment-and-licensure>
7. Multnomah County Health Department, Community Wellness and Prevention Program. (2015). *The Selling of Tobacco in Multnomah County*. Retrieved from:
<https://multco.us/file/42999/download>

Take Your Quiz Here

Thank you for reviewing the Rules and Responsibilities for your Tobacco Retail License. Take a quiz to test your knowledge of these rules and share with your employees.

This quiz is **not required** to have a license but can be helpful in training your employees.

If your store has received a first notice of penalty, the license holder/owner needs to complete the quiz within 90 days of the penalty date.

[Click on this to take the Tobacco Retail License Quiz](#)



Thank you for your time.
For more information or questions,
please contact the Tobacco Retail Licensing program at 503-988-4163 or
hlt.h.tobacco.prevention@multco.us

