

City of Eugene Tobacco Retailers: How to Comply with Tobacco Laws

City of Eugene
August 2019



Training Goals

This training will help you learn about:

- Current local, state, and federal tobacco sales laws
- How to comply with the laws
- How to avoid fines
- Available resources and information

Disclaimer

- This training is for informational and educational purposes only
- It is your responsibility to know and comply with City of Eugene tobacco laws, as well as any local, state, and federal laws that affect tobacco retailing practices.
- Viewing this training session and adopting recommended policies does not constitute compliance with the laws and is not a defense if you or your employees are cited for violating Eugene code 3.500-3.515 or other local county, state, or federal laws

Facts about Youth Tobacco Use

- 2 people die every day in Lane County from tobacco use
- 96% of people who smoke started before age 21
- The younger a person is when they start to smoke, the harder it is for him or her to quit

Resources:

U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*. Atlanta, Georgia: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 1994.

Facts about Youth Tobacco Use

- The more young people are exposed to tobacco advertising and promotional activities, the more likely they are to smoke
- Tobacco marketing encourages underage youth to smoke. More than 80% of underage smokers choose brands from among the top 3 most heavily advertised.

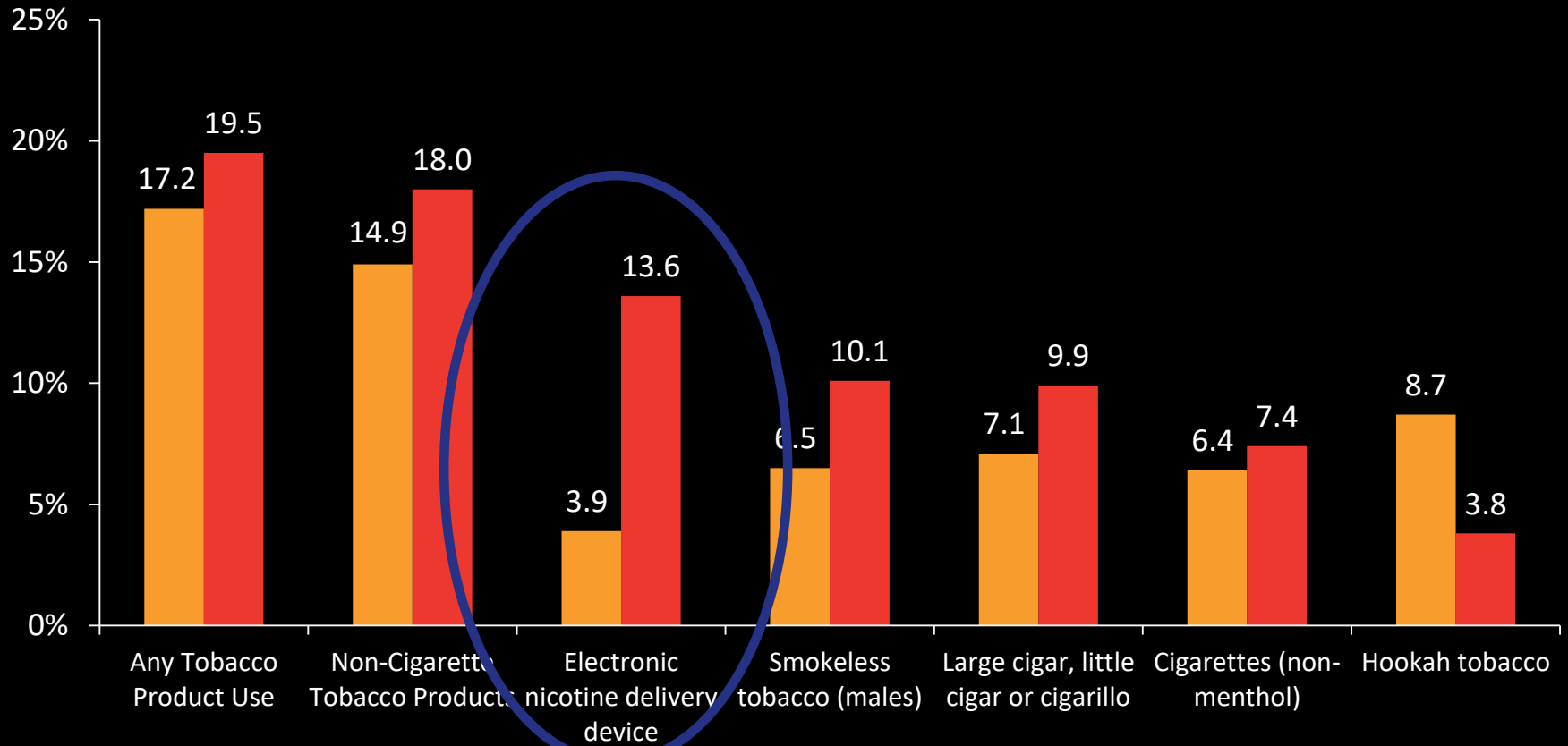
Resource:

U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, Georgia: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.

Tobacco Sales to Teens

More than 1 in 5 of the tobacco retailers that were checked in 2016-2017 in Lane County sold tobacco to an underage youth.

Tobacco Use by 11th Graders in Lane County



Note: 64.2% of 11th graders who used tobacco used **flavored tobacco** or **vaping** products

Source: OHA, Oregon Healthy Teens Surveys, 2013 and 2017.

■ 2013

■ 2017

Where Teens Get Tobacco

In Lane County, 65% of 11th graders obtain tobacco or vaping products from friends that are 18 or older.

In Lane County, tobacco is four times easier to get than fresh fruits and vegetables.

How Teens Manage to Buy Tobacco

- Teens said the easiest way to buy cigarettes was to go to a clerk they knew
- They also:
 - Buy in their neighborhood stores
 - Lie about their age
 - Buy non-tobacco items at the same time
 - Say the cigarettes are for an adult
 - Use a fake ID

Resource:

Klonoff, EA & Landrine H. —The Role of Youth Versus Store-clerk Behavior and Issues of Ecological Validity. | *Health Psychology*, September 2004, 23(5): 517-524.

“Tobacco Product”

- Means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

Tobacco Sales Laws

Requirement	County-wide	Unincorporated Lane County	Cottage Grove	Veneta	Eugene	Nation-wide
No sale or provision of products to person under age 21	X					
Check ID of purchaser who appears under age 30 before sale	X					
Clearly post sales age sign by register	X					
No free samples	X					
No self-service display (including vending machines)	X					
Tobacco retail license required & must be clearly displayed		X	X	X	X	
Clearly post health warning & Quit Line sign		X	X	X		
Retail location not located within 1,000 ft of public schools (businesses before Oct. 2014 grandfathered)		X	X	X		
No mobile vending		X	X	X		
Train employees on local, state, & federal tobacco laws, and keep documentation that each has been trained		X	X	X	X	
No sale of cigarettes or smokeless tobacco products in amounts smaller than original pack size						X
No sale of flavored cigarettes or flavored cigarette tobacco (excludes menthol)						X
No sale of smokeless tobacco without a health warning label						X

Tobacco Product Sales

- A tobacco product retail license is required to sell tobacco within the corporate limits of the City of Eugene in locations where persons under the age of 21 may have access to these products
 - One license per location
 - Must renew every year

Tobacco Product Sales - Prohibitions

- No retailer shall sell or provide tobacco products to a minor
 - A minor is any person under 21 years of age
 - The responsibility for illegal sales to minors is placed on the owner of the establishment.
- No retailer shall sell any tobacco product by means of self-service or any means other than vendor-assisted sales
 - Products must be located in such a way that a customer has no access to tobacco products without the assistance of a store employee

Tobacco Product Sales - Prohibitions

- No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment or customer because such person reports or attempts to prosecute any violation of sections 3.500-3.515 of city code

Signage

- A license issued for an activity at a fixed place of business shall be displayed at all times on the premises where it can be easily read
- The following signs or license provided by Lane County Public Health must be posted near the register where the purchaser and seller can clearly see it
 1. Tobacco Retail License
 2. Health warning and Quit Line number (link where can obtain online?)
 3. Provision of products to those under age 21 is prohibited (text must be in red color) (available at: <http://lanecounty.org/tobaccoinformation>)

**THE SALE OR PROVISION
OF TOBACCO PRODUCTS,
TOBACCO PARAPHERNALIA,
AND ELECTRONIC SMOKING
DEVICES TO PERSONS
UNDER THE AGE OF 21
IS PROHIBITED BY LAW.**

Lane Code 9.700-9.725

Training

- All Retail Licensees are responsible for providing tobacco regulations training for employees at the beginning of employment, and annually thereafter.
- Licensees shall maintain complete and accurate records of all tobacco regulations training program(s) that have been implemented.
 - The records shall reflect the type of program, frequency of training sessions, names of employees, and dates the employees completed the training session(s)
 - Records shall be maintained for a period of five years from the date of the last entry
 - Licensees must provide the City with access to the records upon request
- For tobacco education information, please contact Lane County Health at 541-682-8770

How to Check ID in Oregon

- Lane County sales clerks must check all persons under the age of 30 for valid ID before selling them tobacco products. There are no tobacco-specific forms of picture ID, but the following IDs are acceptable 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

How to check under 21 ID

The customer needs to be 21 or older to purchase tobacco or vaping products. The red border feature is only on Oregon licenses and ID cards of those under 21.



The ID must contain the person's:

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

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

Samples

- Do NOT offer free samples of any tobacco, e-cigarette, or paraphernalia product

FDA Requirements

- Do NOT sell cigarettes or smokeless tobacco products in amounts smaller than original pack size
- Do NOT sell flavored cigarettes or flavored cigarette tobacco (excludes menthol)

Investigation of Licensed Persons and Premises

- The city may investigate licensed persons and inspect licensed establishments
- In the event that the city is refused admittance to premises where a licensed establishment, device or vehicle is located, a search warrant may be obtained from the municipal court authorizing entry upon the premises to make the inspection

Revocation Or Suspension Of Tobacco Retail License

- Upon violation of sections 3.500-3.515 of city code, and in addition to penalties:
 - A retailer license may be suspended up to 45 days for a 2nd violation within a period of 24 months
 - A retailer license may be revoked for a 3rd or subsequent violation within 24 months
 - Licensee may not reapply for a period of 6 months from the date of revocation
 - Failure to pay a fine within 30 days may result in suspension of a retailer license until the fine is paid
- Upon revocation or suspension of a tobacco products retailer license, no tobacco products shall be sold and all tobacco products shall be removed from all retail areas of the licensee's premises for the duration of the revocation or suspension period.

Penalty for Violation

- Violation of section 3.500 is punishable by a fine up to \$500 for each day the violation exists
- Violation of sections 3.510 - 3.515 is punishable by:
 - A fine up to \$200 for the 1st violation
 - A fine up to \$350 for the 2nd violation-occurring within a period of 24 months
 - A fine up to \$500 each for a 3rd or subsequent violation occurring within a 24 month period

License Fine, Suspension or Revocation			
Number of Violation	1st	2nd	3rd or subsequent
Penalty	Fine up to \$200	Fine up to \$350 within 24 months	Fine up to \$500 each within 24 months

As a Retailer, How Can You Protect Youth?*

- Post signs discouraging illegal purchase at store entrance, each cash register, and each display
- Enforce legal age to purchase
- Do not place ads or products lower than 3 feet from the floor or near products popular with youth (such as soda, energy drinks, snack foods, candy, ice cream, toys and games)
- Do not place ads covering more than 25% of the windows
- Do not advertise outside if located near schools, day care facilities, playgrounds, or other places youth visit often
- Avoid products and ads that appeal to youth (such as flavored products, e-cigarettes, single cigarillos)
- (Link for more information)

*Not all of these practices are currently required by law, but they are recommended to responsible retailers.