

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Sitting/Acting as Board of Health**

**Policy Session Worksheet**

**Presentation Date:** January 30, 2018 **Approx. Start Time:** 1:30pm **Approx. Length:** 1 hour

**Presentation Title:** Protecting Youth through Tobacco Retail Licensing

**Department:** Health, Housing & Human Services (H3S) / Public Health Division

**Presenters:** Richard Swift, Laurel Bentley Moses, and Dr. Sarah Present

**Other Invitees:** Dawn Emerick

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

H3S is seeking approval from the Board of County Commissioners (BCC) on its community engagement plan for implementing a county-wide tobacco retail license (TRL).

**EXECUTIVE SUMMARY:**

**Previous Policy Session**

On September 6, 2016, the Department of Health, Housing & Human Services (H3S) presented information to the Board of County Commissioners (BCC) on how they can use their regulatory power as the Board of Health within Clackamas County to implement TRL as a method to reduce youth access to tobacco. The BCC voiced strong support for the concept, but chose to wait for the outcome of similar legislation proposed in the 2017 Oregon legislative session (SB 235). The BCC asked H3S to return with a similar TRL proposal if the state legislation did not pass, which it did not.

**Tobacco Remains a Major Source of Harm for Clackamas County Residents**

Tobacco use remains the most preventable cause of illness and death in the United States and Clackamas County. Nationwide, cigarette smoking is responsible for more than 480,000 deaths per year. This is more deaths than from gun violence, HIV, motor vehicle accidents, and opioid overdoses.

Inequities also persist among tobacco users in Clackamas County. Youth and underserved populations are most vulnerable to tobacco use and exposure to tobacco products. More than three quarters of smokers begin before their 20<sup>th</sup> birthday and neighborhoods with higher numbers of tobacco retail outlets are more likely to be where more people of color and people experiencing economic hardship live.

**Clackamas Strategy to Reduce Tobacco Burden**

Beginning in January 2018, Oregon increased the state's tobacco and nicotine product possession age to 21 (Tobacco 21). Increasing the age to purchase these products, in combination with stronger local enforcement laws are part of Clackamas County's comprehensive strategy to prevent youth from using nicotine products and support our communities that bear the highest health burden from tobacco-related diseases and death. Because of this, Clackamas County is proposing to implement a TRL where businesses located in the county must obtain a license to sell tobacco and other nicotine products, including electronic cigarettes.

### **Tobacco Retail License is a Best Practice**

Tobacco retail licensing is a best practice that is used by a number of states and municipalities; Oregon is one of nine states that do not require a license to sell tobacco. Among the states and municipalities that license tobacco retailers, evidence suggests the first step to implement a successful TRL is to engage stakeholders, which includes city officials, businesses, and other impacted groups.

### **Implementation and Enforcement**

Local licensing would require retailers to comply with all relevant laws or face penalties that would no longer allow them to sell all tobacco and nicotine-related products. Retail licensing would include the ability for Clackamas County to do the following:

- Identify all retailers selling tobacco and nicotine-related products;
- Educate retailers about laws and regulations; and
- Enforce penalties when retailers illegally sell to minors or violate other laws.

### **FINANCIAL IMPLICATIONS (current year and ongoing):**

**Is this item in your current budget?**       **YES**      **NO**

What is the cost? The estimated costs for community engagement are \$79,509. The cost includes 1.95 FTE (salary and fringe), allocated costs, the cost to conduct an economic impact analysis, and materials and supplies.

What is the funding source? Oregon Health Authority – Tobacco Prevention Education Program.

The above costs will fund the community engagement process, which is a component of an overall strategy to pass tobacco retail licensing. If a county-wide tobacco retail licenses passes, the program will be self-sustaining. The costs associated with community engagement are one-time only and are accounted for in the Division’s current budget.

### **STRATEGIC PLAN ALIGNMENT:**

- How does this item align with your Department's Strategic Plan goals?
  - Improved community safety & health
- How does this item align with your Departments' Performance Clackamas goals?
  - Ensure safe, healthy & secure communities

### **LEGAL/POLICY REQUIREMENTS:**

N/A

### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

If the Board of County Commissioners chooses to consider community engagement for tobacco retail licensing, the following options may be taken.

### **OPTIONS:**

1. Direct Public Health to work with PGA and the Commissioners’ policy advisers to develop and implement a community engagement plan to build and assess community support for tobacco retail licensing.

2. Direct Public Health to work with PGA and the Commissioners' policy advisers to develop additional informational presentations on tobacco retail licensing for Board consideration.
3. Defer the framework to license tobacco retailers.

**RECOMMENDATION:**

H3S is seeking approval from the BCC to proceed with community engagement.

**ATTACHMENTS:**

- Presentation slides
- Implementing a Tobacco Retail License in Clackamas County Brief
- Map of tobacco retailers in North Clackamas Health Equity Zone
- Tobacco Retail License flowchart
- Frequently Asked Questions

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

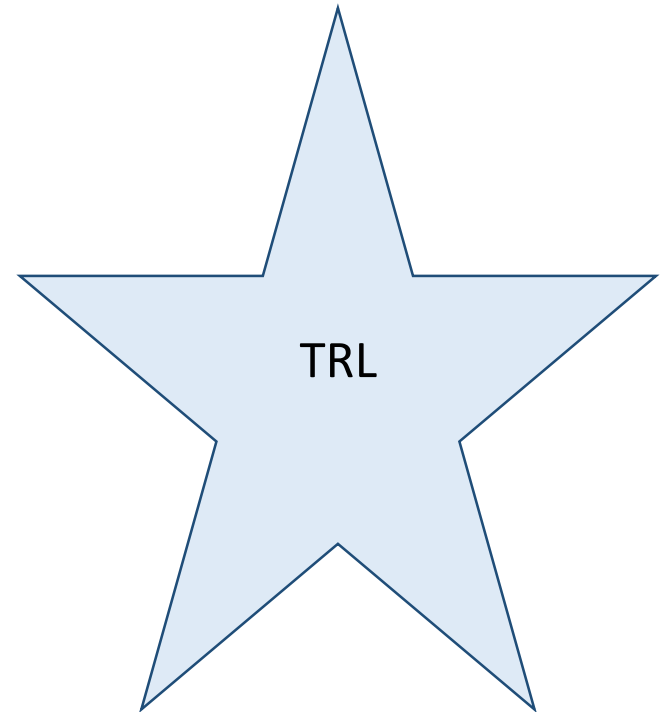
For information on this issue or copies of attachments, please contact Dawn Emerick @ 503-655-8479
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# Protecting Youth Through Tobacco Retail Licensing

Board of County Commissioners  
Policy Session  
January 30, 2018

# Objectives

- Present the need for TRL
- Explain TRL and the benefits
- Propose a process to move forward with TRL



# Youth are vulnerable to nicotine

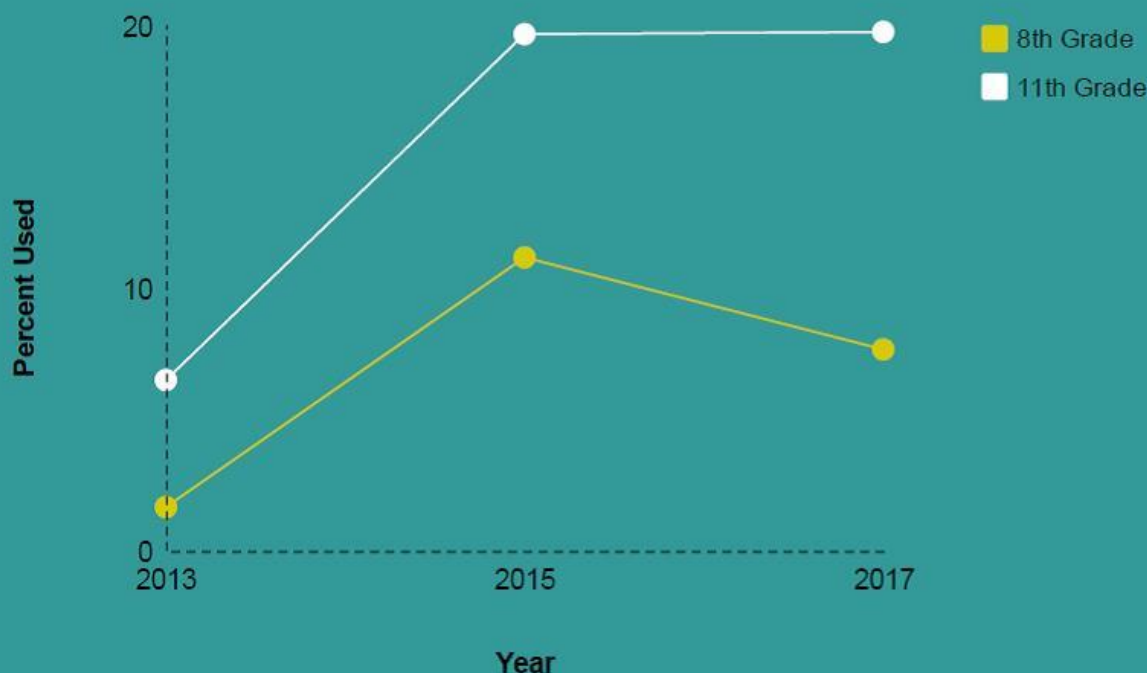
*Clackamas County 11<sup>th</sup> graders in last 30 days....*

- 25% used any tobacco product (including vaping products)
- 41% have used any form of tobacco before age 18
- 1 in 3 youth said it would be “very easy” to get tobacco



# YOUTH SMOKING TRENDS

## Clackamas County Youth E-Cigarette Use



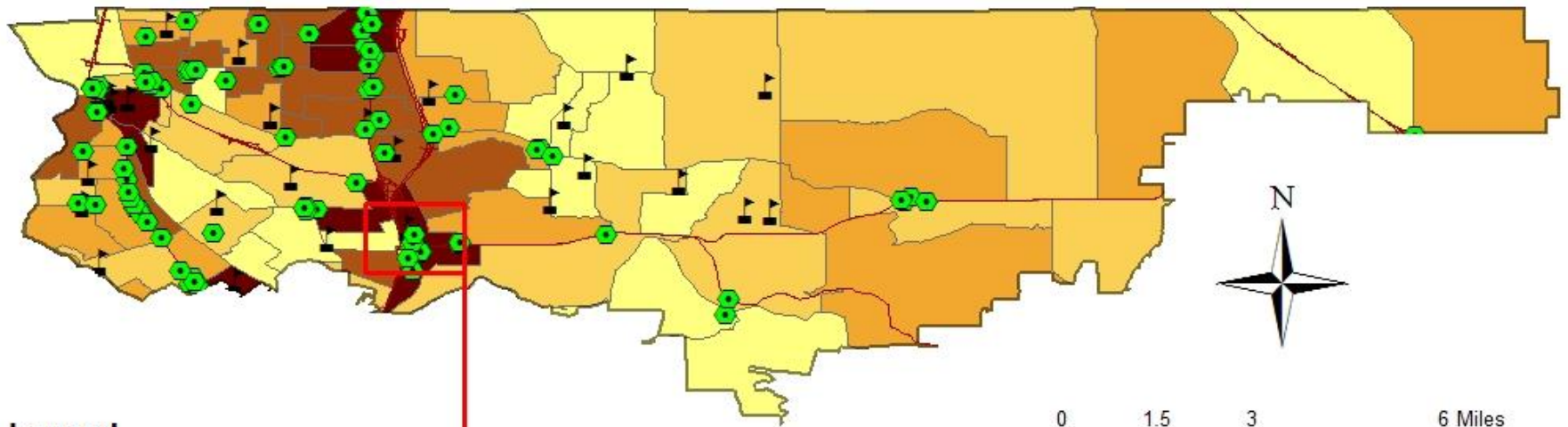
Adolescents of all ages show increased use of e-cigarettes and vaping. In 2013 1.6% of 8th graders and 6.5% of 11th graders had used electronic smoking devices in the past 30 days. In 2015 11.1% of 8th graders and 19.6% of 11th graders had used an electronic smoking devices in the past 30 days. These rates started to stabilize in 2017, with 8th grade usage decreasing 3.5%, and 11th grade usage increasing 0.1%.

# Inequities persist among tobacco users

- Tobacco retailers cluster in neighborhoods with higher rates of poverty.
- High densities of tobacco retailers are linked to increased smoking rates among adults living in surrounding neighborhoods.



# North Clackamas Health Equity Zone Tobacco Retailers, Schools, and Percentage in Poverty: By Census Block Group



## Legend

Tobacco Retailers

Schools

Highways

## Percent in Poverty

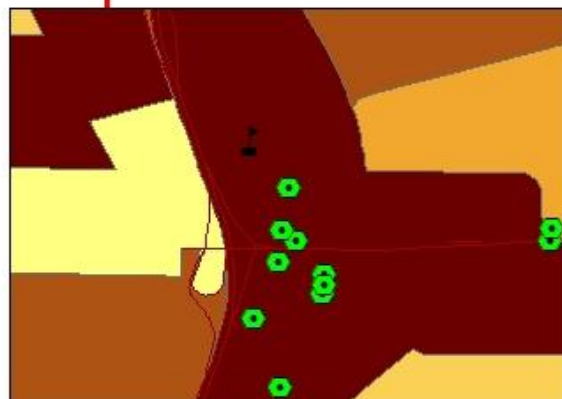
0 - 4

5 - 8

9 - 13

14 - 22

23 - 45



0 1.5 3 6 Miles



Public Health  
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Health, Housing  
& Human Services   
CLACKAMAS COUNTY

Clackamas County Public Health Division  
Data Source: ACS 5-year estimates, 2011-2015,  
Oregon Department of Education, and  
Clackamas County Health Division

# Proposal

To reduce youth access to tobacco and preserve the public health and safety of Clackamas County communities, the H3S / Public Health Division proposes licensing tobacco retailers.

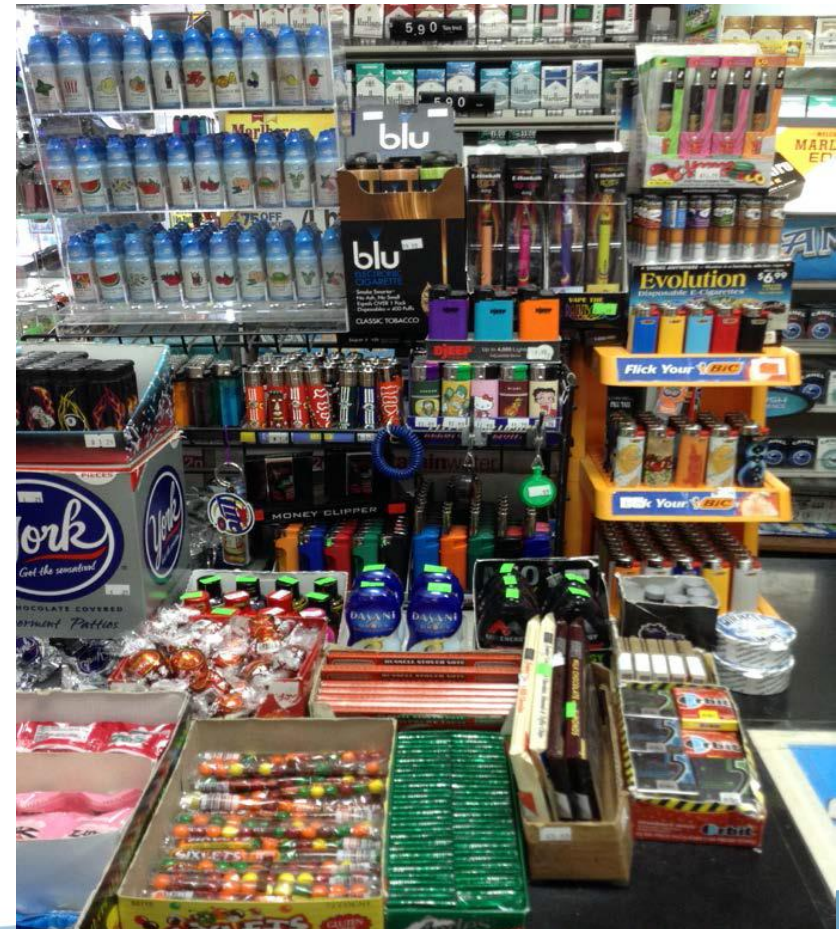
# Tobacco Legislation

## 2017 summary

- Tobacco taxes did not increase
- Tobacco retail license did not pass
- Legal age to purchase tobacco raised to 21

# What is Tobacco Retail Licensing (TRL)?

- Requires businesses to purchase a license to sell tobacco & nicotine products
- Retailer education & outreach
- Annual license fee
- Enforcement system
- May include plug-ins (density caps, school buffers)



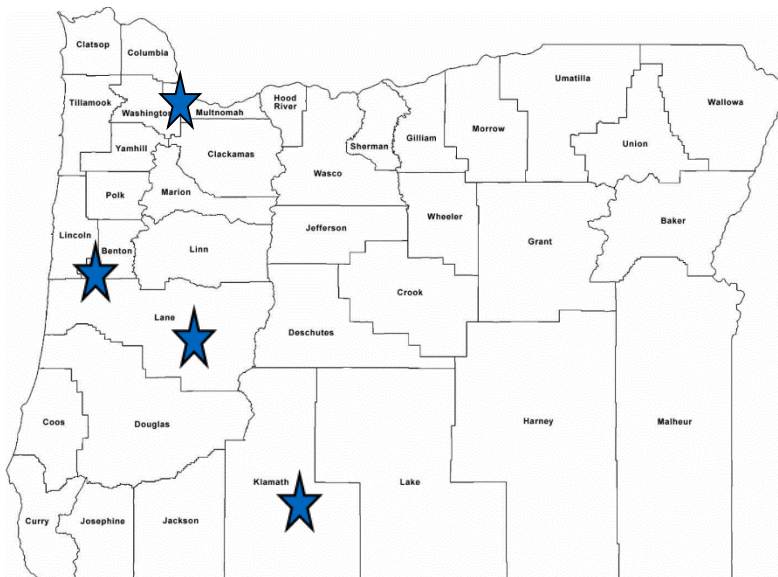
# Why is TRL Important?

- Identifies retailers
- Opportunity for relationships with retailers (similar to restaurant inspections)
- Enforce Tobacco 21 and other tobacco laws
- TRL effectively decreases illegal tobacco sales to minors

# TRL in Oregon

## Jurisdictions Passed TRL

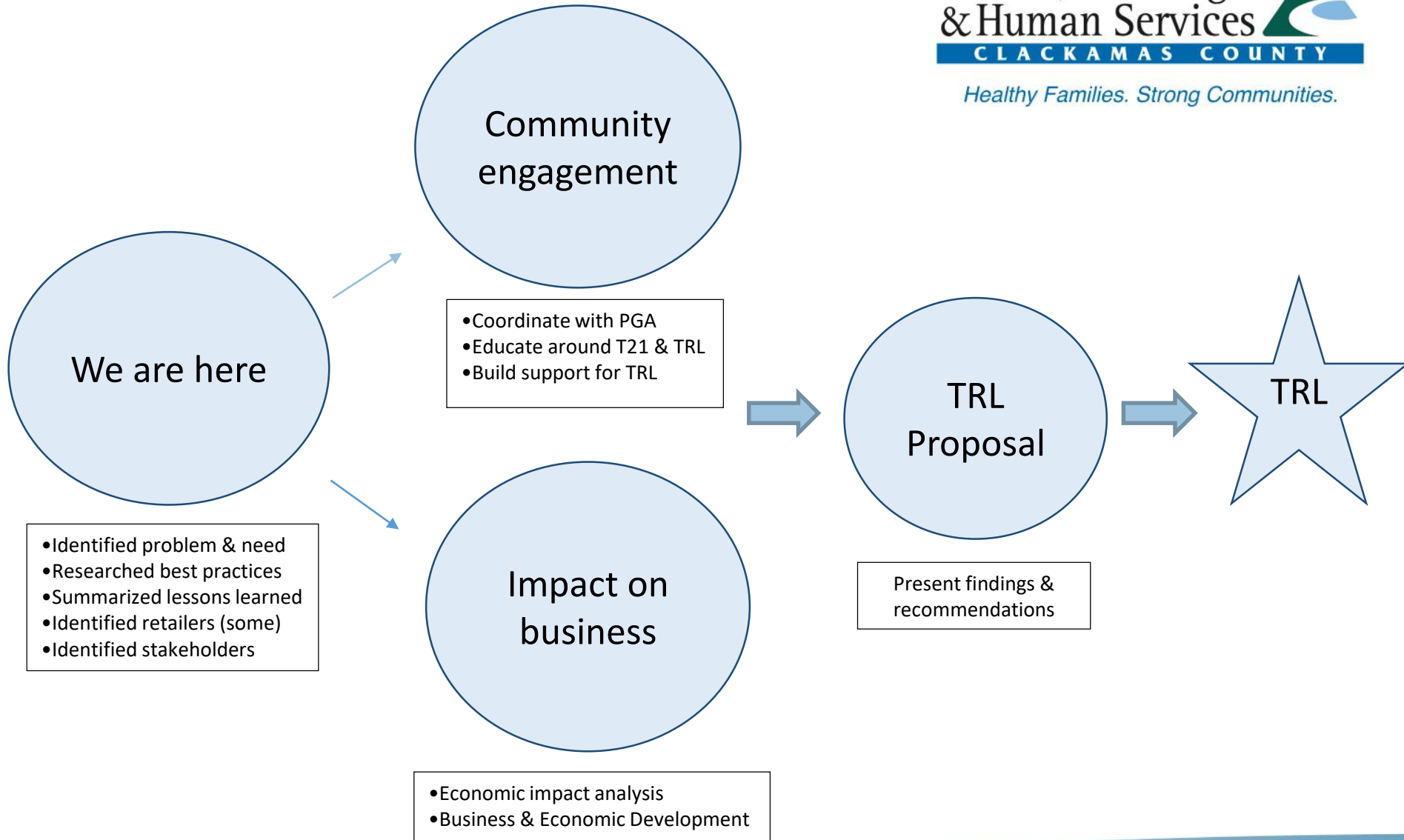
- Benton County
- Clackamas County
- Lane County
- Multnomah County



## Lessons Learned

- Most effective county-wide
- Community engagement critical for success
- License fee to cover education & enforcement
- Political will, leadership, PGA and county counsel

# Process to Pass Tobacco Retail Licensing (TRL)

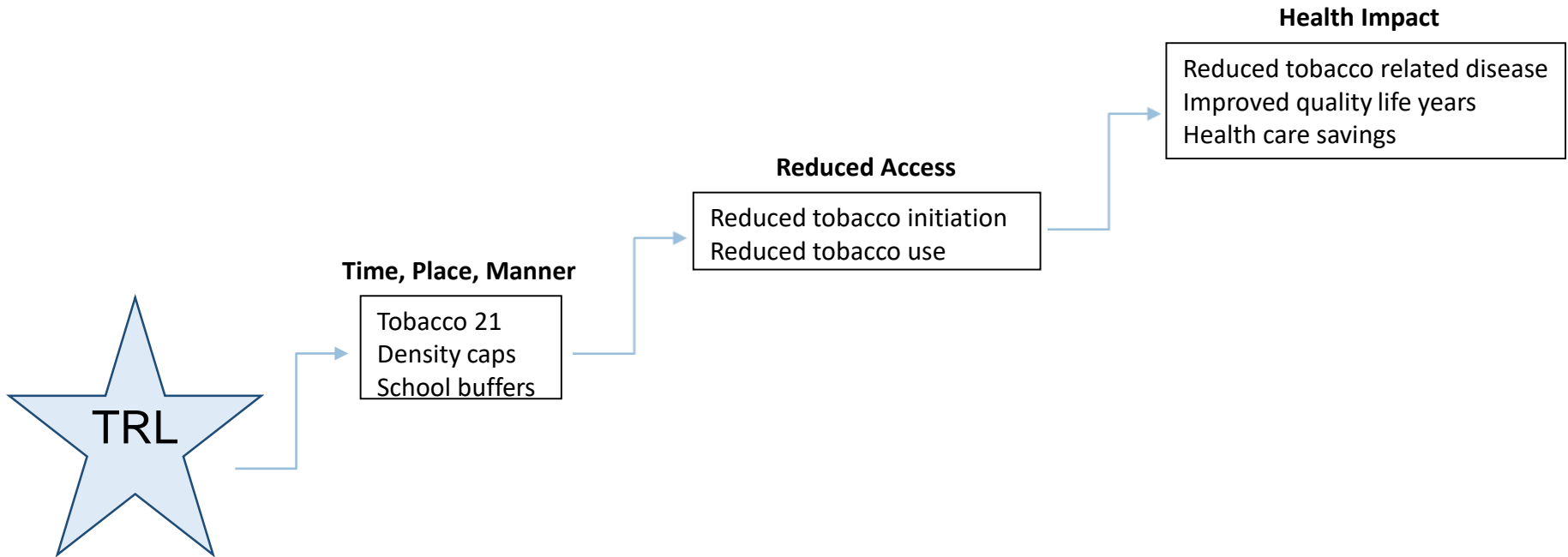


# Community engagement

- Educate stakeholders about the impact of tobacco, Tobacco 21 and TRL
- Stakeholders include city and hamlet leaders, school districts, prevention coalitions, business & economic development
- Garner support for Tobacco Retail Licensing and time, place, manner policies that reduce youth access to tobacco and nicotine products
- Proposed timeline is spring – summer 2018
- Finalize and implement outreach plan with PGA. Strategies include one-on-one interviews, public presentations, community forums, round table discussions, on-line feedback



# Health Impact of TRL



## Implementing a Tobacco Retail License in Clackamas County

### **Tobacco Remains a Major Source of Harm**

Tobacco use remains the most preventable cause of illness and death in America and Clackamas County. In the United States, cigarette smoking is responsible for more than 480,000 deaths per year, including more than 41,000 deaths resulting from secondhand smoke exposure. This is more deaths than from gun violence, HIV, motor vehicle accidents, and opioid overdoses<sup>i</sup>.

All Clackamas County residents deserve opportunities for good health. Clackamas County is committed to further restrict minors' access to tobacco and other nicotine products, and support our communities that bear the highest health burden from tobacco-related illnesses and deaths. Recent examples of Clackamas County's efforts include our support of the statewide Tobacco 21 initiative, tobacco retailer licensing, and active enforcement of the Indoor Clean Air Act with businesses that allow on-site smoking.

### **Inequities Persist Among Tobacco Users**

Tobacco disproportionately affects lower-income populations, communities of color, people living with mental illness, and the LGBTQI community. Tobacco retailer location is a factor in tobacco and other nicotine product use by adults, particularly for minority communities. Neighborhoods that have higher numbers or densities of tobacco retail outlets are more likely to be where more people of color and people experiencing economic hardship live. High densities of tobacco retailers have been linked to increased smoking rates among adults living in the surrounding neighborhoods<sup>ii</sup>.

### **Youth are More Vulnerable to Nicotine**

Preventing nicotine dependence before it starts can help us reduce the inequitable burden of tobacco use. More than three quarters of smokers begin smoking before their 20<sup>th</sup> birthday. Adolescents who start smoking before their 19<sup>th</sup> birthday have on average a 20% higher risk of dying from a smoking-related illness<sup>iii</sup>. Tobacco and other nicotine products remain too accessible for youth to use and purchase in Clackamas County. The percent of teens who smoke cigarettes has increased from 2013-2015. In that same time period, the fraction of 11<sup>th</sup> graders who have used electronic cigarettes has almost doubled. 8<sup>th</sup> grade use has more than tripled in two years. Overall smoking rates in Clackamas County are higher than the Oregon average for both age groups.

### **Clackamas Strategy to Reduce Tobacco Burden**

Beginning in January 2018, Oregon will increase the state's tobacco and nicotine product possession age to 21 (Tobacco 21). Increasing the age to purchase these products, in combination with stronger local enforcement laws, are part of Clackamas County's comprehensive strategy to prevent youth from using nicotine products and end the burden of tobacco-related diseases and deaths. Because of this, Clackamas County is proposing to implement a tobacco retail license where businesses located in the County must obtain a license to sell tobacco and other nicotine products, including electronic cigarettes.

### **Effectiveness of Tobacco Retail Licensing**

Communities across the country, including four in Oregon, are using a tobacco retail license as a best practice to prevent youth from illegally purchasing nicotine products. A number of these communities are demonstrating positive implementation results. For example, a recent assessment of 33 communities in California that implemented a tobacco retail license, showed decreased rates of illegal youth sales<sup>iv</sup>. Locally, Multnomah County implemented a retail license in July 2016 and is on track to reduce illegal sales to minors.

A tobacco retail license is also useful as a surveillance and evaluation tool, and allows for greater local control of retailer education and enforcement activities. A tobacco retail license, in conjunction with Tobacco 21, would enable the County to educate businesses about tobacco laws, ensure accountability with tobacco laws, and evaluate where these business are located relative to schools and other youth-populated areas.

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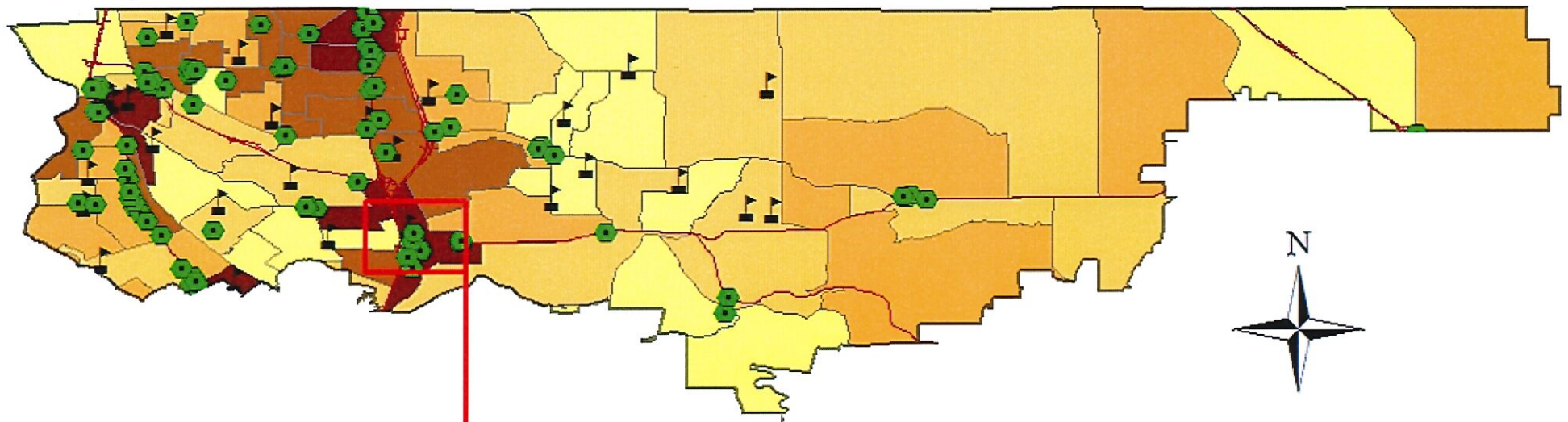
<sup>i</sup> Centers for Disease Control and Prevention. (2017). Burden of tobacco use in the US. Accessed at <https://www.cdc.gov/tobacco/campaign/tips/resources/data/cigarette-smoking-in-united-states.html>

<sup>ii</sup> Public Health Law Center. (2014). Location, location, location: Regulating tobacco retailer locations for public health. Accessed at <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regulating-retailer-locations-2014.pdf>

<sup>iii</sup> Choi, S.H., & Stommel, M. (2017). Impact of age at smoking initiation on smoking-related morbidity and all-cause mortality. *American Journal of Preventive Medicine*, 53, 33-41.


<sup>iv</sup> American Lung Association. (2013). Tobacco retailer licensing is effective. Accessed at <http://center4tobaccopolicy.org/wp-content/uploads/2016/10/Tobacco-Retailer-Licensing-is-Effective-September-2013.pdf>

# North Clackamas Health Equity Zone Tobacco Retailers, Schools, and Percentage in Poverty: By Census Block Group



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 Schools

 Highways

## Percent in Poverty

 0 - 4

 5 - 8

 9 - 13

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0 1.5 3 6 Miles

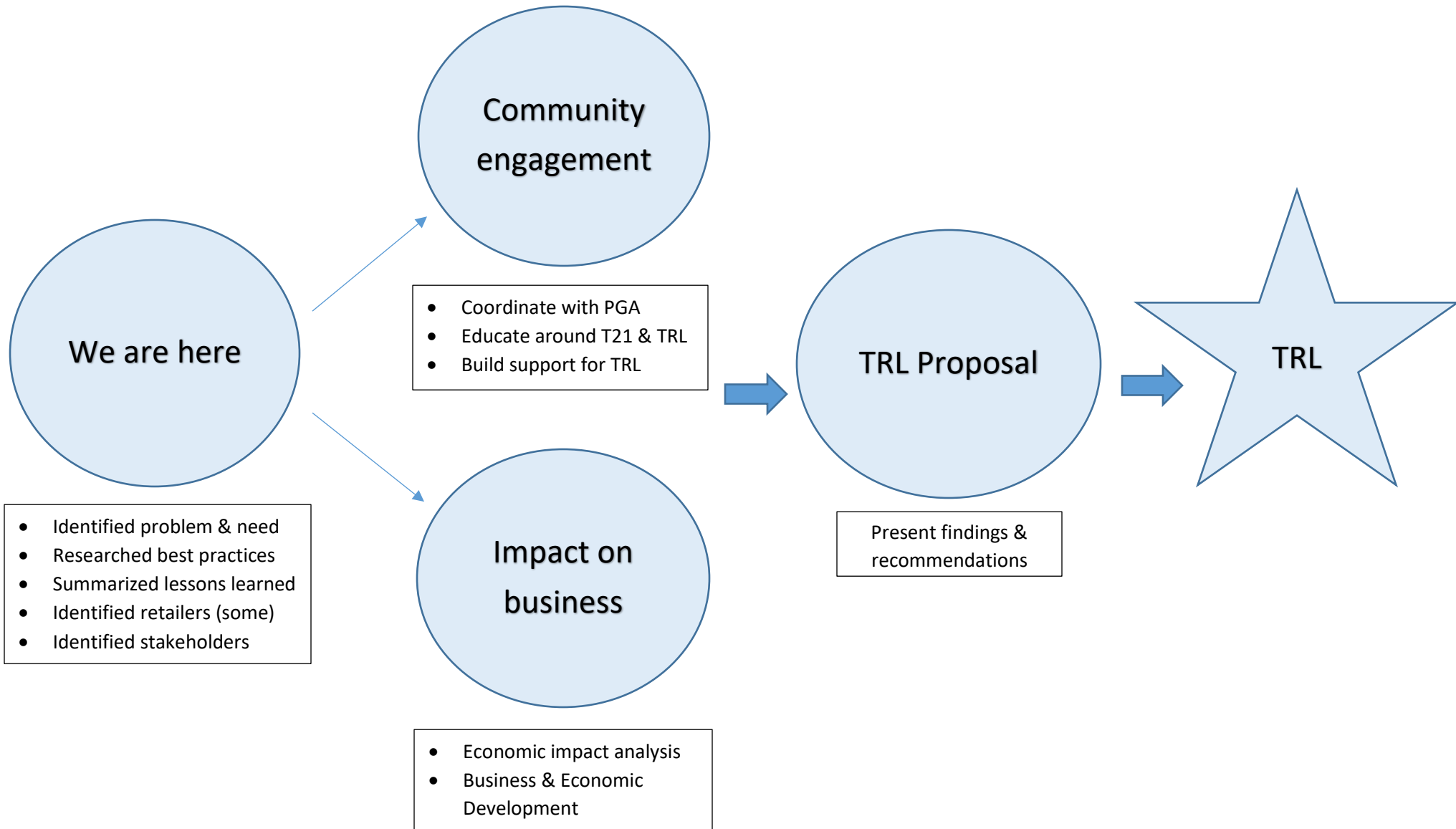


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CLACKAMAS COUNTY

Clackamas County Public Health Division  
Data Source: ACS 5-year estimates, 2011-2015,  
Oregon Department of Education, and  
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# Process to Pass Tobacco Retail Licensing (TRL)



## Frequently Asked Questions about Tobacco Retail Licensing

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### **What is Tobacco Retail Licensing (TRL)?**

Tobacco retail licensing requires businesses located in the county to obtain an annual license to sell tobacco and other nicotine products, including electronic cigarettes. It is part of Clackamas County's comprehensive strategy to prevent youth from using nicotine products and end the burden of tobacco-related disease and death.

### **What does TRL do?**

TRL enforces existing federal, state, and local tobacco laws. TRL enables local jurisdictions to identify and educate retailers, monitor their compliance with these laws, and enforce penalties if tobacco is sold to persons under the age of 21.

### **Why focus on tobacco regulation in the retail environment?**

Retail convenience stores are top sellers of tobacco and nicotine products nationwide. In Clackamas County, more than half of tobacco retailers are located within 1,000 feet of a school or park, and two-thirds of all retailers advertise tobacco outside.<sup>i</sup> Youth who have more opportunities to obtain tobacco and see more tobacco advertising are more likely to use tobacco and nicotine products due to their susceptibility to marketing and imaging.

### **How does TRL prevent youth from using tobacco?**

TRL reduces illegal sales to minors through retailer education and enforcement of laws.

### **Why is a tobacco retail license separate from other business licenses?**

Tobacco is a hazardous product that causes disease and death, there are no safe levels of tobacco use. Tobacco retail licensing is the mechanism to identify stores that sell tobacco so they can be monitored for compliance. It is similar to the licenses required to sell alcohol and marijuana.

### **Why are vaping products included in this licensing?**

Vaping is not an FDA approved aid to quit-smoking, and many youth today are being introduced to nicotine through e-cigarettes rather than conventional tobacco products.<sup>ii</sup> A 2015 survey found that among e-cigarette users aged 19-24, 40% had never been regular cigarette smokers.<sup>iii</sup> Vaping is outpacing conventional cigarettes among youth.

### **How effective is TRL in reducing youth access to tobacco?**

Communities across the country, including four counties within Oregon, are implementing TRL as a best-practice to prevent youth from illegally purchasing nicotine products. A study of 33 California communities shows dramatic decreases in youth tobacco sales since passing TRL.

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<sup>i</sup> Oregon Health Authority, Tobacco Fact Sheet, 2014

<sup>ii</sup> E-Cigarette Fact Sheet, Oregon Health Authority, 2016.

[http://www.co.lincoln.or.us/sites/default/files/fileattachments/health\\_amp\\_human\\_services/page/585/e-cigfactsheet.pdf](http://www.co.lincoln.or.us/sites/default/files/fileattachments/health_amp_human_services/page/585/e-cigfactsheet.pdf)

<sup>iii</sup> MMWR via Centers for Disease Control and Prevention, [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/index.htm](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm)