

Clackamas County TRL Task Force
Meeting Notes 6/26/19

Attendance:

Task Force Members: John Hill, Oregon Cigar Association; Shawn Miller, Northwest Grocer Association; Jae Chun, Korean American Grocers of Oregon; Leonard Kesterson, Milwaukie resident; Tim Driscoll, Molalla resident; Jennifer Reeves, Oregon City resident; Bethany Lowe, Lake Oswego resident; Alexis Zavala, Canby resident; Arlene Kantor, American Cancer Society volunteer; Teri Cummings, West Linn City Council President; Charina Walker, Oregon Health Authority; David Jacques, NAMI; William Miller, NAYA; Nellie deVries, CCBA; Kari McFarlan, Multnomah County Health Department; Patrick Owen, OLCC

Facilitators: Erin Ruff and Emily Shannon

Public Health Staff: Julie Aalbers, Jamie Zentner, Allison Gallegos-Jeffrey, Katie Knutsen

Observers: Drenda Howatt, BCC office; Kathi Rastetter, County Counsel; Beth Byrne, PGA

Orientation

Task Force Charge

The Task Force was convened at the request of the Board of Health to provide a recommendation on the Tobacco Retailing License ordinance proposed by the Public Health Division. The role of Clackamas County Staff (Public Health, County Counsel, and others) in this setting is to provide information to the Task Force.

Consensus

The Task Force will submit a consensus report to the Board of Health with their recommendations. Any member may block consensus. If consensus cannot be reached on an item, the Task Force may submit majority and minority reports on that item.

Consensus Reached: *The group voted and reached consensus to work toward drafting an effective Tobacco Retail Licensing ordinance to present to the Board of Health.*

Public Health Presentation

Jamie Zentner (Public Health)

Information on the impacts of youth nicotine addiction, the role of retail licensing in preventing youth nicotine use, and responses from Clackamas County retailers to a survey about retail licensing. Slides attached.

Small Group Ordinance Review

Groups of mixed stakeholders (business/retailers, health, community, youth, public organizations) reviewed the ordinance with the following questions:

- a. What parts of ordinance do we need to modify and why?
- b. What language do you propose?
- c. What additional information would be helpful to you?

The Task Force agreed that revisions to the following sections of the ordinance should be discussed.

1. Fees

The group generally supported a licensing fee that makes the program sustainable.

Proposal: Licensing by product type, higher fee structure for sales of flavored tobacco products.

[Patrick Owen \(OLCC\) will draft proposed language \(Section 8.10.012\(K\) 2\).](#)

2. Enforcement

Education

Current language says that the agency. Suggestion to change language under section 8.10.014 (C) from “shall provide education” to “may require education” and add to section 8.10.016 a penalty related to required education.

[Facilitators will draft proposed language.](#)

Penalty Structure

Proposal to have the penalties be consistent with Multnomah’s license requirements including no suspension for first offense.

[Kari McFarlan \(Multnomah County Health Department\) will provide Multnomah’s language.](#)

3. Mobile Vending

Limiting mobile vending would impact some businesses here in the county, such as those that sell cigars through a booth at special events (i.e. weddings).

[John Hill \(Oregon Cigar Association\) will draft proposed language \(8.10.013\(A\)2\).](#)

[Kathi Rastetter \(County Counsel\) will research and provide information on any federal law impact on mobile vending.](#)

- a. Mobile vending/special events – county counsel suggested there might be a federal law that prevents mobile vending. Task force member cited special circumstances for cigar vendors who work at weddings and other events, etc.

4. School Setback

Several concerns were identified:

- a. Definition of school, childcare center, or place that serves children within the definitions section is vague and incomplete.
- b. Concern that setback do not provide a level playing field for retailers. Businesses within 1000 feet aren't allowed to attempt to comply with age restrictions.
- c. Date of grandparent clause needs to be decided and added if a school setback is adopted.

Charina Walker (Oregon Health Authority) will draft proposed language (Section 8.10.012 (J)1).

5. License non-transferrable

Several concerns were identified:

- a. What if total ownership isn't transferred but a new partner is brought in, is that "change of ownership"? If not, what percentage change of ownership would require a new license.
- b. If a business in a school zone is sold, would that business still be grandparented in?

Patrick Owen (OLCC) will draft proposed language (Section 8.10.012(N)).

6. Definitions

8.10.011 (H) Proposed to be modified to: "Retail Sale means any transfer, conditional or otherwise, of title or possession of Tobacco Products or inhalant delivery systems to a consumer."

Other Information Requested

Public Health staff will provide projected budget information outlining how the fee structure supports cost recovery.

TOPICS FOR PROPOSED EDITS assigned member to propose alternate language, due to facilitators (resolution@clackamas.us) by Sunday 7/7/19:

Patrick Owen:

Fees - 8.10.012(K) 2

License Transfer - 8.10.012(N)

Kari McFarlan

Penalty Structure – 8.10.0916 (D)(1) will provide Multnomah's language.

John Hill

Mobile Vending - (8.10.013(A)2

Charina Walker

School Setback/1000 Feet - 8.10.012 J (1)

Kathi Rastetter

Federal law impact on mobile vending