



PREVENTING TOBACCO ADDICTION FOUNDATION

To: Members of the Board of Health

From: The Preventing Tobacco Addiction Foundation

Re: Licensing of Tobacco Retailers

Date: June 14, 2018

Established in 1996, the Preventing Tobacco Addiction Foundation works nationwide to reduce the deadly toll of smoking by advocating to raise the minimum legal sales age of tobacco products to 21 and supporting other proven tobacco control initiatives.

Through our work in the field across the nation promoting and helping cities and counties implement Tobacco 21 laws, we know that enforcement is essential to ensuring that the law is effective. Requiring retailers to obtain a tobacco retail license enables the city to collect a database of all retailers, provides a revenue stream for enforcement, and gives the health department the ultimate compliance lever (i.e. license suspension or revocation) for those few rogue retailers who refuse to comply.

Properly enforced, Tobacco 21 laws disrupt the social availability of cigarettes and other tobacco products to teens and as a result, reduce youth tobacco and nicotine use rates. For example, the community of Needham, Massachusetts saw high school smoking drop by half. In Needham, the health department has the authority to enforce the law and does so. Their example underscores the critical role of enforcement in Tobacco 21 law implementation.

Leading the way, Columbia was the first city in Missouri to pass the Tobacco21 policy. However, and as you know, Columbia currently has no mechanism to monitor compliance of and enforce their Tobacco 21 ordinance. As a result, the policy is likely not effective. A significant number of retailers in Columbia are ignoring their responsibility under Columbia's Tobacco 21 ordinance and selling tobacco products to youth. It is our understanding that the Columbia Boone County Board of Health is working to prepare a recommendation to the City Council regarding implementation of a Tobacco Retail License in the city of Columbia.

On behalf of the Preventing Tobacco Addiction Foundation and based on our experience, we urge the Board of Health to consider and recommend a comprehensive tobacco retail license that includes the following essential elements¹:

¹ Notably, many of these elements were included in the Board's original Summary letter to the City Council. In your April 25, 2017 summary recommendations, the Board got it right when they recommended the following:



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- (1) Licensing/T21 Enforcement conducted by the local Health Department;
- (2) Require the licensing of all tobacco and electronic nicotine delivery system retailer locations²;
 - a. Require annual renewal of license
 - b. License required for each location where retail tobacco product sales or electronic nicotine delivery system sales are conducted and is non-transferable
 - c. License to be displayed at all times and exhibited to any person upon request
 - d. Require retailer to provide training to employees on the sale of tobacco-related products and nicotine delivery systems and sign statement attesting to such before issuing license
- (3) Health Department responsible to conduct a minimum of two under-age-youth-based, unannounced compliance checks per licensed retail establishment per year;
- (4) Require a progressive fine structure. For example, a civil fine no less than \$300 for first infraction, no less than \$600 for the second infraction, and no less than \$1,000 for third infraction;
- (5) Health Department has authority to suspend or revoke license;
- (6) All fees and fines deposited into a “Tobacco Enforcement and Education Fund” administered by the Health Department, to be reinvested for enforcement, community education, and efforts to improve compliance with state and local tobacco product sales and use laws;
- (7) General statement that Health Dept. is authorized to promulgate rules and regulations to carry out the purpose and intent of the law;
- (8) Severability of the provisions;

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- Require the licensing of all tobacco retailer locations
 - Escalating fine structure
 - Provide education to retailers
 - Minimum of two compliance checks on each retailer location per year

² We understand that initially a fee cannot be imposed for the license applications. However, we recommend that voter approval is sought to introduce a license fee, which can be used to help fund tobacco education and enforcement.



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(9) Liberal construction

Columbia City Council, in passing the Tobacco 21 legislation, recognized its duty to protect its youth from addictive and deadly tobacco and nicotine products. Adequate enforcement will ensure these results. We hope you will recommend the strongest and most comprehensive tobacco retail license and enforcement policy to the City Council.