

Minutes of the Veneta City Council Work Session

April 27, 2015

resent: Sandra Larson, Tim Brooker, Thomas Cotter, Victoria Hedenstrom, Thomas Laing

Others: Ric Ingham, City Administrator; Carrie Connelly, Legal Counsel; Darci Henneman, City Recorder; Karen Gaffney, and Dr. Luedtke, Lane County Public Health; and Joan Mariner, Fern Ridge Review

1. PRESENTATION FROM LANE COUNTY PUBLIC HEALTH ON COUNTY'S RESTRICTION ON E-CIGARETTE AND TOBACCO RETAIL LICENSING

Ms. Gaffney introduced herself and Dr. Luedtke. She reviewed the background of the Board of Health/Commissioners.

Dr. Luedtke talked about the death statistics related to tobacco and said currently E-cigarettes are not regulated. He reviewed his power point presentation and asked if the Council had any questions.

In response to questions from Thomas Cotter, Ms. Gaffney said the state does not regulate E-cigarettes. She said Lane County Public Health (LCPH) would set up a fine and the license structure. She said the license fee would be separate and would cover the cost of one annual surprise inspection from LCPH per retail outlet and to print and send out the license. She said Lane County Sheriff's Office would enforce E-cigarette sales. Ms. Gaffney said the Oregon Liquor Control Commission (OLCC) will oversee marijuana dispensaries and that's why the counties are stepping in to monitor E-cigarette compliance.

In response to a question from Mayor Larson, Dr. Luedtke said he was very hopeful that the E-cigarette bill would move forward and pass. He said there have been a number of bills that the Board of Health is tracking and we need to continue with the E-cigarette ordinance to protect our kids. He said it would be great if the state moves forward, but if not, we don't want to wait.

In response to a question from Thomas Cotter, Dr. Luedtke said opposition to the House Bill comes from the tobacco companies and from the "vaping" community. He said on the other side, there are plenty of local E-cigarette vendors that want to protect our youth and strongly support the under age 18 ban. He said it's not uniform.

In response to a question from Thomas Laing, Dr. Luedtke said part of the ordinance enacted would cover coupons for free E-cigarettes. He said starter packs cost about \$30 to \$50.

In response to a question from Victoria Hedenstrom, Dr. Luedtke said you can smell the menthol E-cigarettes but if students are smoking in class they likely are using the very mild ones that don't really give off an odor.

In response to questions from Mayor Larson, Dr. Luedtke said Benton County passed a countywide ordinance. He said there are over 3000 counties nationwide and Oregon may be leading a little and Benton County was not the first county to pass an ordinance. He said if a significant number of Oregon counties were to pass an ordinance, it may initiate a statewide move.

In response to a question from Thomas Cotter, Dr. Luedtke said the tobacco companies are buying up the E-cigarette entities and the dosing and voltage varies by manufacturer. He said there are 40 plus different E-pens. He said so much more research is needed to determine how and what voltage level effects the temperature of the vapor.

In response to a question from Victoria Hedenstrom, Dr. Luedtke said the formaldehyde levels were the same for the gas phase and the particular phase but the higher voltage - the more formaldehydes. He said second hand smoke is also present with E-cigarettes.

Ms. Gaffney said California research concluded that after a strong retail policy was enforced they noticed a decline in youth usage. She said the federal government performs stings to see how many clerks sell to minors. She said it was interesting that retailers who had their license on the line have a secondary consequence to selling E-cigarettes to minors.

In response to a question from Mayor Larson, Ms. Gaffney said there is a connection with a high license fee and the incentive for retailers to receive future reduced license fees if they are in compliance.

Ms. Connelly said she worked with other communities which took two different approaches. She said in early January, some jumped on immediately. She said they didn't take on the licensing piece now but she used the first half of Lane County's ordinance that prohibits the sale or distribution to minors, including promotions, coupons, etc. and then they augmented the indoor clean air act existing in the code to include a ban on E-cigarettes from being used within so many feet of a public building. She said Veneta doesn't have an indoor clean air act so we rely on the State's. She said one community prohibited indoor smoking and within 10 ft. from a window, ventilation, etc. and decided to increase that parameter and added indoor vapor. She said the other city hasn't taken any action yet but now we've discovered that House Bill 2546 recently passed with 56 yes's and 2 no's and is now before the Senate. At this point, the house bill is amending each section in the state law, to include distribution to a minor, smoking (including E-cigarettes) in the car with minors, adding it in the indoor clean air act and including a 10 ft. parameter around public buildings. She suggested we adopt some or all pieces similar to Lane County's code, particularly if we have different parameters and if we want to send a message to the state or the Council could wait to see what the legislature does which would avoid us having to amend it.

In response to questions from Thomas Cotter, Ms. Connelly said if the Council wanted to move forward now, you should decide what pieces are important to our City; the indoor clean air act, prohibiting the sale or distribution of E-cigarettes to minors, etc. She said when the legislative session ends, in two months, we could review what we adopted and what the legislature adopted to see if there are any conflicts. She said the ordinance procedural process is simple and the Council could direct staff to draft an ordinance for future adoption.

Ms. Connelly said in California, prohibiting E-cigarettes getting into the hands of a minor may not be that effective but requiring a licensing fee did.

Ms. Gaffney said Lane County has a standard business license with a marketing license attached. She said she was pleased to see that the Oregon Health Authority will be in charge of labeling guidelines - labeling cannot be attractive to minors which will target a lot of the problems LCPH was hearing about.

It was the consensus of the Council that the presentation was very informative and they thanked Ms. Gaffney and Dr. Luedtke for providing it.

Ingham said this issue is on the regular Council agenda. He said if the Council would like to move forward, Ms. Connelly can draft an ordinance for review at the May 11th meeting. He said the licensing piece and enforcement may take a little more effort so we may want to contract with the LCPH for that but we can prohibit the sale and distribution to minors and then work on the retail licensing piece.

In response to a question from Victoria Hedenstrom, Ingham said he will contact Christy to request the entire packet to be forwarded to the Council.

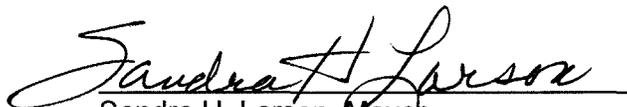
In response to a question from Mayor Larson, Dr. Luedtke said up until about a year ago 100% of E-liquids came from real tobacco but now a significant percentage of E-liquids are being produced in large chemical factories and not from locally grown tobacco. He said that's one way they get around the ordinance because it's not a tobacco product so tobacco bans don't apply to E-cigarettes.

2. OTHER

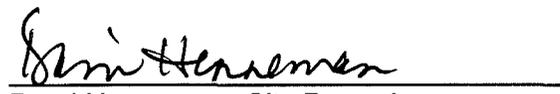
None

3. ADJOURN

Mayor Larson adjourned the Veneta City Council at 6:56 p.m.


Sandra H. Larson, Mayor

ATTEST:


Darci Henneman, City Recorder
(Minutes prepared by DHenneman)