



AGENDA
WORK SESSION OF THE VENETA CITY COUNCIL
MONDAY, DECEMBER 14, 2015 – 5:30 P.M.
Veneta Administrative Center, 88184 8th Street, Veneta, Oregon

1. **LANE COUNTY PUBLIC HEALTH – LICENSING OF RETAIL TOBACCO** (pgs. 3-9)
2. **ADJOURN**

Tobacco Retail Licensing: Protecting Kids from Tobacco and Nicotine

Every child in Lane County deserves to live in a healthy and safe community where they can grow up to lead healthy, prosperous lives free from nicotine addiction.

Youth Tobacco Use Increasing. About 9 in 10 adults who smoke started before age 18¹, and 9 in 10 regret ever having started². In 2015, in Lane County, 17% of 8th graders and 30% of 11th graders used tobacco. Tobacco use increased more than 50% between 2013 and 2015. Of the tobacco users, 68% of 8th graders and 75% of 11th graders used flavored tobacco or vaping products³. More youth are starting younger, and becoming addicted to nicotine at a younger age, which makes it more difficult to quit⁴.

The 2014 Surgeon General Report states, “...the root cause of the smoking epidemic is also evident: the tobacco industry aggressively markets and promotes lethal and addictive products, and continues to recruit youth and young adults as new consumers of these products.”⁵

Tobacco Marketing Targeting Kids. In 2012, the Tobacco Industry increased how much it spent on marketing by 10%, to \$9.6 billion⁶. Since the 1998 Master Settlement Agreement restricted more traditional venues for advertising, such as billboards, TV, radio, and print media, the Tobacco Industry has channeled more resources into its new primary marketing channel – the retail environment⁷.

The Tobacco Industry calls youth “replacement smokers.”⁸ It targets kids in its marketing by using: coupons and other price discounts to keep prices cheap^{9,10,11,12}, flavors^{13,14,15}, kid-friendly packaging^{16,17}, product and ad placement that appeals to kids¹⁸ and, targeted advertising at the stores kids visit most often^{9,19}.

About 70% of teens shop in convenience stores at least once a week¹. In Lane County, nearly 3 in 4 8th graders and nearly 9 in 10 11th graders said they had seen a tobacco ad on a storefront or inside a store³. In Lane County, about 3 in 5 tobacco retailers have tobacco products or advertising displayed in a manner that appeals to children (near youth products or at a child’s eye level)²⁰.

Kids who regularly see tobacco ads are more likely to experiment with or start using tobacco²¹.



Youth Accessing Tobacco. While Oregon youth are exposed to kid-friendly tobacco marketing in stores, most are not getting their tobacco products from retail stores. Only 8% of tobacco users in 8th grade and 17% in 11th grade obtain tobacco from stores or gas stations. On the other hand, 25% of 8th and 49% of 11th grade tobacco users obtain tobacco from friends age 18 years or older³. Still, in 2013, more than 1 in 5 tobacco retail stores that were checked in Lane County sold tobacco to an underage youth²².

Tobacco Retail Licensing. While youth access laws, such as tobacco retail license laws that ban sale to minors, have been found to reduce the number of retailers selling tobacco to minors, youth access laws alone are not sufficient to reduce youth initiation and use of tobacco²³. A comprehensive and properly enforced tobacco retail license law that includes other effective policies, such as the prohibition of redemption of tobacco coupons and promotions, the restriction of tobacco retailer proximity to schools, and raising the sale age to 21, is a crucial part of an effective, comprehensive program to reduce the number of children who become addicted to tobacco^{24,25}.

In December 2014 and August 2015, the Lane County Board of Commissioners passed and amended an ordinance in Unincorporated Lane County that requires a tobacco retail license to sell tobacco products. Tobacco retail licensing allows a

jurisdiction to effectively enforce laws, such as those banning sales to youth.

The purpose of Lane County Ordinance 15-05 is 1) to reduce illegal sales of tobacco and nicotine products to minors and 2) to reduce the number of children who become addicted to nicotine. This ordinance achieves the following:

- Bans the sale of e-cigarettes to minors
- Requires tobacco and e-cigarette retailers to be licensed
- Prohibits free samples of tobacco products
- Prohibits self-service displays and mobile vending

- Prohibits retailers within 1,000 feet of public schools, grandfathering existing businesses
- Requires that retailers display health warning and Quit Line information²⁶

In Lane County, 73% of registered voters support requiring stores that sell tobacco to have a license²⁷.

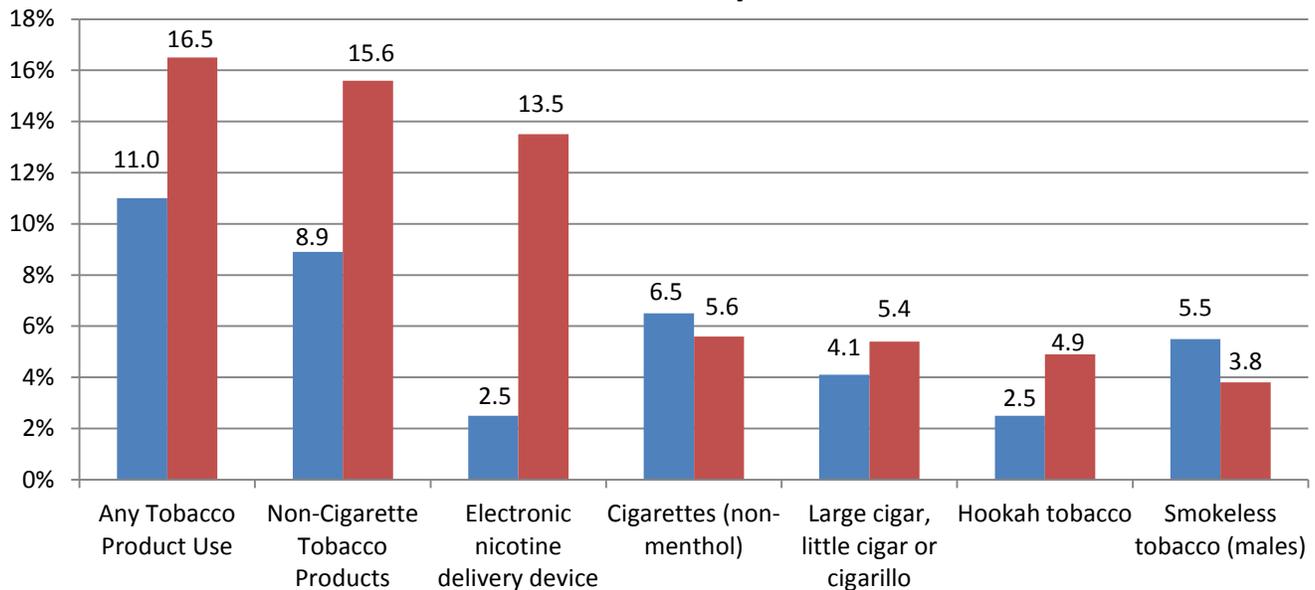
Having a uniform tobacco retail license throughout the county will provide one standard that will ensure fairness and equity for all tobacco retailers to legally conduct their tobacco sales business in compliance with state and local laws.

Resources

1. Centers for Disease Control and Prevention. 2012. Available at: http://www.cdc.gov/tobacco/data_statistics/sgr/2012/consumer_booklet/pdfs/consumer.pdf
2. Gallup Poll. Tobacco and Smoking. 2015. Available at: <http://www.gallup.com/poll/1717/Tobacco-Smoking.aspx>
3. Oregon Health Authority, Public Health Division, Health Promotion and Chronic Disease Prevention Section. Oregon Healthy Teens Survey, 2015.
4. DeWitt DJ, et al. Patterns of Onset and Cessation of Drug Use Over the Early Part of the Life Course. *Health Education & Behavior* 1997 December;24(6):746-58.
5. U.S. Department of Health and Human Services. The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General, 2014. Available at: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>
6. Campaign for Tobacco-Free Kids. 2015 March 30. *FTC Reports Tobacco Marketing Increased to \$9.6 Billion in 2012 – Efforts to Fight Tobacco Use Must Also Intensify*. Available at http://www.tobaccofreekids.org/press_releases/post/2015_03_30_ftc.
7. Wakefield M, et al. Tobacco Industry Marketing at Point of Purchase After the 1998 MSA Billboard Advertising Ban. *Am J Public Health* 2002;92(6):937-40.
8. Campaign for Tobacco-Free Kids. *Tobacco Company Quotes on Marketing to Kids*. 2001, May 21. Available at: <http://www.tobaccofreekids.org/research/factsheets/pdf/0114.pdf>
9. U.S. Department of Health & Human Services. Prevention Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, 2012. Available at: http://www.cdc.gov/tobacco/data_statistics/sgr/2012/index.htm.
10. Campaign for Tobacco-Free Kids. *Deadly Alliance: How Big Tobacco and Convenience Stores Partner to Market Tobacco Products and Fight Life-Saving Policies*, 2012.
11. U.S. Department of Health & Human Services. *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*, 1994. Available at: http://www.cdc.gov/tobacco/data_statistics/sgr/1994/index.htm.
12. Slater SJ, et al. The impact of retail cigarette marketing practices on youth smoking uptake. *Arch Pediat Adol Med*. 2007 May;161(5):440-445.
13. New England Journal of Medicine. "Candy Flavorings in Tobacco." June 5, 2014. Available at: http://www.nejm.org/doi/full/10.1056/NEJMc1403015?query=featured_home
14. SmokeFree Oregon. *Flavored Tobacco*. Available at: <http://smokefreeoregon.com/the-challenge/kids-and-young-adults/flavored-tobacco/>
15. American Cancer Society Cancer Action Network. 2013 Spring. *Cancer Brief: Flavored Tobacco*. Brief #6. Available at: <http://www.acscan.org/action/ny/updates/2583/>
16. Gaberman P. Letter from Lorillard advertising account executive to a marketing professor at Cooper Union. 13 Aug 1970. Lorillard. Bates No. 92352889/2890. Available at: <http://legacy.library.ucsf.edu/tid/gxy10e00/pdf>.
17. Feighery EC, Ribisl KM, Schleicher N, Lee RE, et al. Cigarette advertising and promotional strategies in retail outlets: Results of a statewide survey in California. *Tob Control* 2001;10L:184–8. Available at: <http://tobaccocontrol.bmj.com/content/10/2/184.full.pdf>
18. Oregon Health Authority. 2015. *What's for Sale in Your Neighborhood?: How Big Tobacco is Targeting Oregon Kids*.
19. Henriksen L, Feighery EC, Schleicher NC, Haladjian HH, et al. Reaching youth at the point of sale: Cigarette marketing is more prevalent in stores where adolescents shop frequently. *Tob Control* 2004; 3:315–8. Available at: <http://tobaccocontrol.bmj.com/content/13/3/315.full>
20. Lane County Public Health Prevention Program. *Retail Assessment*. 2014.
21. Campaign for Tobacco-Free Kids. March 2012. Available at: www.tobaccofreekids.org/content/what_we_do/industry_watch/store_report/deadlyalliance_full_report.pdf
22. Oregon Health Authority. *Synar Inspection Results: Lane County, 2012-2013*.
23. *Guide to Community Preventive Services*. Sales laws directed at retailers when used alone to restrict minors' access to tobacco products. Available at: <http://www.thecommunityguide.org/tobacco/saleslaws.html>.
24. Center for Public Health Systems Science. *Point-of-Sale Strategies: A Tobacco Control Guide*. St. Louis, MO: Center for Public Health Systems Science, George Warren Brown School of Social Work at Washington University in St. Louis and the Tobacco Control Legal Consortium, 2014.
25. Center for Public Health Systems Science. *Point-of-Sale Report to the Nation: The Tobacco Retail and Policy Landscape*. St. Louis, MO: Center for Public Health Systems Science, George Warren Brown School of Social Work at Washington University in St. Louis and the National Cancer Institute, State and Community Tobacco Control Research Initiative, 2014.
26. Lane Code Chapter 9. Available at: <http://www.lanecounty.org/Departments/CC/LaneCode/Documents/LC9%202015.09.25.pdf>
27. Johnson S, McCaslin C. Lane County Health & Human Services. 2014 Community Survey.

Tobacco Use by 8th & 11th Graders in Lane County

Current Tobacco Use By 8th Graders

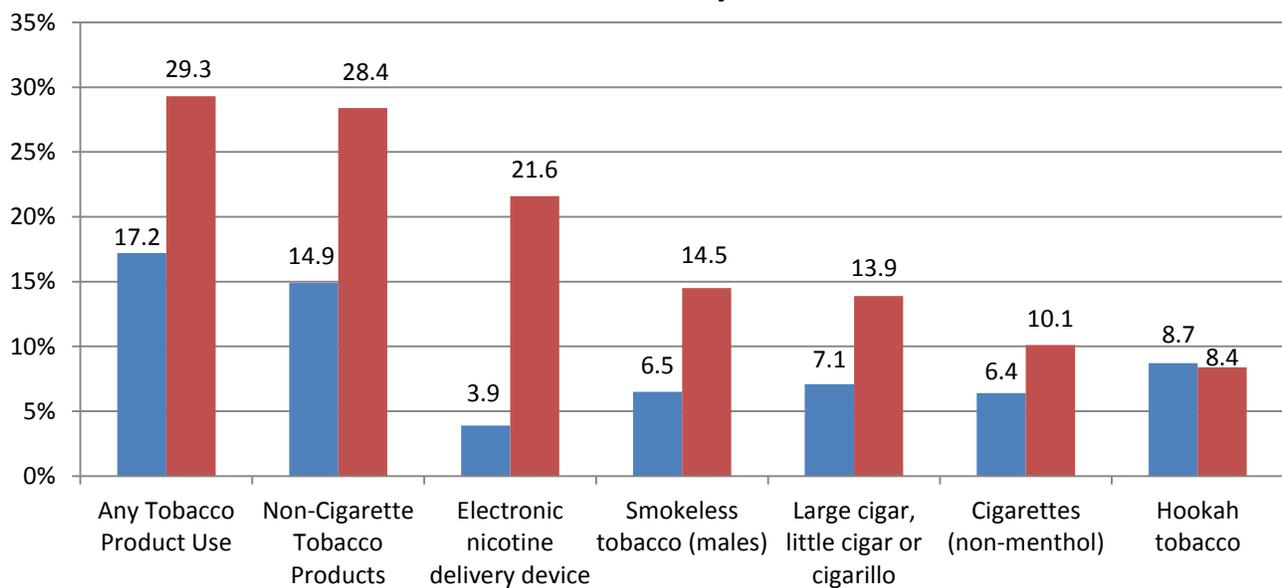


Note: **68.2%** of 8th graders who used tobacco used **flavored tobacco or vaping** products

Source: Oregon Healthy Teens Survey, 2015.

■ 2013
■ 2015

Current Tobacco Use By 11th Graders



Note: **74.8%** of 11th graders who used tobacco used **flavored tobacco or vaping** products

Source: Oregon Healthy Teens Survey, 2015.

■ 2013
■ 2015

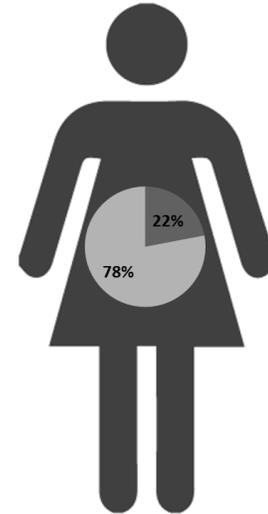




Tobacco Use in Veneta

February 2015

Every child deserves to live in a community where they have the best opportunity to make choices that lead to good health. Lane County's Community Health Improvement Plan identifies tobacco as a priority health issue¹. Tobacco is the leading cause of preventable death and imposes a significant economic burden on Lane County communities². Most adults smokers started before age 18³. **Preventing youth access** to tobacco is an important part of a comprehensive approach to reduce youth initiation and use⁴.

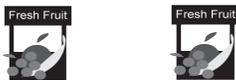


Tobacco Use Among Youth & Adults

In Lane County, **9.9% of 11th graders and 6.6% of 8th graders smoke cigarettes**⁵, and most become addicted and continue using into adulthood⁶. The most recent data shows that in Veneta, 14% of adults use tobacco⁷, and about **22% of women smoke during pregnancy**⁸. In a year's time, 9 people die of tobacco-related diseases, and 180 people suffer from a serious illness caused by tobacco, such as heart disease, lung cancer, and COPD⁹.



Tobacco Retailers



Fresh Fruit and Vegetable Retailers

Retail Access to Tobacco

Veneta has 1 tobacco retailer for every 670 people¹⁰, which is more than Lane County's one for every 1100. It is **3.5 times easier to get tobacco than fresh fruits and vegetables**¹¹. Additionally, 2012-13 Synar inspections showed that about **1 in 5 tobacco retailers made a sale to a minor** in Lane County¹². In the 2014 Lane County Health & Human Services survey, **71% of people said they support requiring a license to sell tobacco**¹³.

E-cigarettes

E-cigarettes (e-cigs) allow users to mimic the act of smoking cigarettes while inhaling nicotine aerosol, or "vapor," instead of smoke. There are over 7,700 flavors available¹⁴, such as Gummy Bear, which entice youth to "vape"¹⁵. Currently, minors can legally buy e-cigs. From 2011 to 2013, **use of e-cigs nearly tripled among Oregon 11th graders**¹⁶. In Veneta, **6 in 7 tobacco retailers sell e-cigarettes**¹⁰.

E-cigarettes:

- Encourage smoking initiation¹⁵
- Contain some of the same carcinogens and toxic chemicals as tobacco smoke¹⁵
- Pose potential health risks¹⁵
- Have not been shown to be effective to help people quit tobacco¹⁵
- Counter effectiveness of smoke-free policies¹⁵
- Pose safety issues from poisonings¹⁷ & fires¹⁸

References

1. Lane County Pubic Health, PeaceHealth, Trillium Community Health Plan, & United Way of Lane County. Lane County Community Health Improvement Plan (CHIP). April 2013. Available at <http://www.preventionlane.org/chip>
2. Centers for Disease Control and Prevention, Chronic Disease Prevention and Health Promotion. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011. Available at <http://www.cdc.gov/chronicdisease/resources/publications/aag/osh.htm>
3. U.S. Department of Health & Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health & Human Services, Centers for Disease Control & Prevention, National Center for Chronic Disease Prevention & Health Promotion, Office on Smoking and Health, 2012. Available at <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/index.html>
4. Guide to Community Preventive Services. Community mobilization with additional interventions to restrict minors' access to tobacco products. Available at <http://www.thecommunityguide.org/tobacco/communityinterventions.html>. Last updated: June 2001.
5. Oregon Health Authority, Addictions and Mental Health Division. Student Wellness Survey, 2014.
6. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General, 2014. Available at <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>
7. Oregon Health Authority, Public Health Division. Oregon Behavioral Risk Factor Surveillance System (BRFSS) Survey, 2008-2012.
8. Oregon Center for Health Statistics, Vital Records Office. Birth Certificates, 2009-2013.
9. Extrapolated from Oregon Tobacco Facts by County: Lane County. Available at <https://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/Documents/countyfacts/lanefac.pdf>; Computations based upon Hyland A, Vena, C, Bauer, J et al Cigarette Attributable Morbidity-United States 2000, *MMWR* 2003, September 5, 52(35) 842-843.
10. Lane County Tobacco Prevention & Education Program. Retail Assessment, 2014.
11. Computed using Lane County Site Addresses (RLID, 2013), ACS 2008 to 2012 Household Size Estimates (US Census Bureau), Lane County Roads (RLID, 2013), Supermarkets, (Reference USA, 2013), Farmers Markets, Farm Stands (Willamette Farm and Food Coalition, 2013).
12. Oregon Health Authority, Addictions & Mental Health Division. Synar Inspection Results: Lane County, 2012-2013.
13. Johnson S, McCaslin C. Lane County Health & Human Services 2014 Survey.
14. Zhu SH et al. Four hundred and sixty brands of e-cigarettes and counting: implications for product regulation, *Tob Control* 2014;23(suppl 3):iii3-iii9. Available at http://tobaccocontrol.bmj.com/content/23/suppl_3/iii3.full
15. Oregon Health Authority, Public Health Division. E-Cigarette Primer. Available at <http://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/SmokefreeWorkplaceLaw/Documents/E-cigFactSheet.pdf>
16. Oregon Health Authority, Public Health Division. Oregon Healthy Teens Surveys, 2011 & 2013. Available at <https://public.health.oregon.gov/BirthDeathCertificates/Surveys/OregonHealthyTeens/Pages/index.aspx>
17. Chatham-Stephens, K et al. *Notes from the Field: Calls to Poison Centers for Exposures to Electronic Cigarettes – United States, September 2010-February 2014*, *MMWR*, April 4, 2014/63(13);292-293. Available at http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6313a4.htm?s_cid=mm6313a4_w
18. FEMA, U.S. Fire Administration. Electronic Cigarette Fires and Explosions, October 2014. Available at https://www.usfa.fema.gov/downloads/pdf/publications/electronic_cigarettes.pdf

Lane County Tobacco Retail Licensing Ordinance

In December 2014, the Lane County Board of Commissioners passed Ordinance 14-19 in Unincorporated Lane County, which requires a retail license to sell tobacco or electronic smoking products or paraphernalia. The purpose of the ordinance is 1) to reduce illegal sales of tobacco and nicotine products to minors and 2) to reduce the number of children who become addicted to nicotine.

The Board voted to amend the ordinance in August 2015. The major concern expressed was about the ordinance not covering the entire county, which means retailers inside cities and outside cities would not have the same standards.

The amendments made in Lane County Ordinance 15-05 include the following:

- Remove the ban on price discounts.
- Amend the location restriction on retailers within 1,000 feet of child-centered establishments to include “public schools” only.
- Amend grandfather clause to include locations (instead of retailers) where tobacco is currently sold within 1,000 feet of public schools so that the buyer of the business at that location will still be able to sell tobacco. Additionally, if a public school moves within 1,000 feet of a retailer, they will also be grandfathered.
- Remove “community” education from the list of what the retail license fee may be used for.
- Add reference to ORS 163.575, endangering the welfare of a minor, in order to add a penalty to the employee who sells tobacco to a minor.
- Amend the lookback period for violations from 5 years to 2 years.
- Amend fines and penalties to mirror those for the Oregon Liquor Control Commission:

License Suspension or Revocation				
Number of violations	1	2	3	4
Original Requirement	Suspend 30 days	Suspend 90 days	Suspend 1 yr	Revoke for 5 yrs
Amended Requirement	Suspend 10 days or fine \$1,650	Suspend 30 days or fine \$4,950	Suspend 30 days	Revoke for 2 yrs

The amended ordinance achieves the following:

- Bans the sale of e-cigarettes to minors.
- Requires tobacco and e-cigarette retailers to be licensed.
- Prohibits free samples of tobacco products.
- Prohibits self-service displays and mobile vending.
- Prohibits retailers within 1,000 feet of public schools, grandfathering existing businesses.
- Requires that retailers display health warning and Quit Line information.

Having a uniform tobacco retail license throughout the county would provide one standard to ensure fairness and equity for all tobacco retailers to legally conduct their tobacco sales business in compliance with federal, state, and local laws.

Youth access laws alone are not sufficient to reduce the number of children who become addicted to tobacco and nicotine. A comprehensive, effective tobacco retail license law could include additional evidence-based provisions, such as the prohibition of price discounts, the restriction of tobacco retailer proximity to child establishments, and raising the minimum sale age to 21.