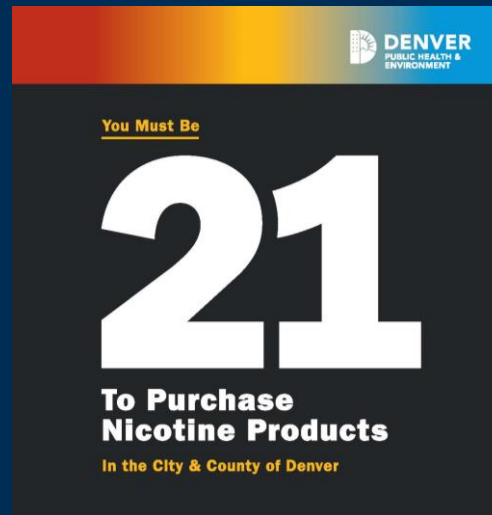


# Tobacco 21 and Retail License



Council Committee  
September 2019

# Objectives

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- ✓ Tobacco Use Data
- ✓ Ordinance Specifics
- ✓ Stakeholder feedback process
- ✓ Comments and revisions
- ✓ Enforcement Overview
- ✓ Questions/Comments

# TOBACCO'S TOLL ON THE US

- Tobacco use is the leading preventable cause of death, killing more than 480,000 people each year
- About 95% of adult smokers begin smoking before they turn 21
- Tobacco use costs the nation as much as \$170 billion in health care costs each year



# TOBACCO USE AMONG YOUTH

## CURRENT USE



23% of Denver high school students are using tobacco\*

18% of Denver high school students are vaping

## RISK PERCEPTION AND ACCESS



\*All tobacco products including cigarettes, chew, e-cigarettes, hookah, cigars and others

Data from the 2017  
  
healthykidscolo.org

# Ordinance Specifics

- Raise the Age of Sale to 21
- Institute a new Tobacco Retailer License

# TB21 POLICY IN DENVER

- Effective Immediately upon passing and Mayor signature

TIMELINE	IMPLEMENTATION
Phase I	<p>Formal Notice (two weeks)</p> <ul style="list-style-type: none"> <li>• Retailers will receive notice of the changes and two signs enclosed for posting on-site</li> <li>• Retailers we know sell tobacco products through vending machines will be notified in-person of these changes</li> <li>• No inspections will be conducted during this time</li> </ul>
Phase II	<p>Soft Enforcement (3 months)</p> <ul style="list-style-type: none"> <li>• Retailers will be inspected once with no fines issued for violations</li> <li>• Retailers who violate will be issued a warning letter</li> <li>• Violations will not be included in current fine schedule</li> </ul>
Phase III	<p>Full Enforcement (ongoing, after 3 months of soft enforcement)</p> <ul style="list-style-type: none"> <li>• Revisit retailers and issue fines for violations</li> <li>• Citations issued based on current fine schedule</li> </ul>

# Ordinance Specifics Cont

## License Details

- Timeline: Available Jan 2020
- Must have license to operate starting Jan 2021

# License Details Cont

## Grounds for Denial

- Previous violations of tobacco sales laws
- Temporary, mobile or pop-up operations with exception
- Proximity Restrictions\*: 1,000ft from any school, child care facility, city-owned recreation center or pool AND 500ft from any other tobacco retailer



# License Details Cont

- Exemption from proximity restrictions for existing businesses that apply by July 1, 2020
- Annual renewal of license required
- \$250 application fee and \$500 license fee

# Engagement Process

- Invited all 586 retailers to feedback sessions
- Posted ordinance and email to comment
- Offered meetings/calls directly stakeholders

# Policy Specific Comments

STAKEHOLDER FEEDBACK	DDPHE RECOMMENDATION
Remove 1,000 ft proximity restriction from other retailers	Modified 1,000 ft restriction to 500 ft from other retailers
Consider grandfathering existing businesses from proximity restrictions	Included grandfathering clause for specific locations that apply by July 1, 2020
Consider changing the application and licensing fees	No change to the policy as the fees are comparable to other jurisdictions

# LOCAL TOBACCO ENFORCEMENT PROGRAM

- Address the illegal sale of tobacco products to minors
- List of ~580 retailers
- “Trifecta”
  - *Compliance*
  - *Enforcement*
  - *Education*

LOCAL TOBACCO PROGRAM CIVIL PENALTIES – FINE SCHEDULE				
	1 <sup>st</sup> Level Fine	2 <sup>nd</sup> Level Fine	3 <sup>rd</sup> Level Fine	4 <sup>th</sup> Level Fine
*Fines for Selling Tobacco to a Minor	\$250	\$500	\$750	\$999
*Maximum Amount per Inspection	\$250	\$500	\$750	\$999
**Suspension of Right to Sell Tobacco Products	DPHE may issue a warning that future violation in a year may result in suspension	DPHE may suspend right to sell for up to 30 days	DPHE may suspend right to sell for up to 60 days	DPHE may suspend right to sell for up to 1 year

\*Issued for violations that occur within 24 months  
 \*\*Assessed for violations that occur within 12 months

# Enforcement Overview

	# of Inspections*	# of Violations	Non-Compliance Rate	Sale Suspension Orders
2017	1134	136	12%	<b>43 Issued</b> 17 Enforced 11 Under Appeal 8 Withdrawn 1 Dismissed
2018	2052	149	7%**	
2019	818	119	15%**	

\* Conduct 4 routine inspections at every retailer per 12 months

\*\*Began prioritizing ENDS products November 2018

# QUESTIONS?

