

Tobacco Compliance and Enforcement Program Proposal 2022

Budget

Personnel					
Position Title	Description of Work	Gross or Annual Salary	Fringe (33%)	Percent of Time on Program	Total Amount Requested (Half of Annual Salary)
Investigator III (Public Health Investigator III)	Specialize in conducting all compliance f/u inspections, complaint f/u inspections, suspension order f/u inspections and advertising and labeling inspections.	\$82,000	\$29,500	100%	\$55,750
Tobacco Program Supervisor (Environmental Public Health Program Supervisor)	Approve all inspections, issue enforcement orders, and represent CCD during appeals. Work closely with EXL to issue/renew TB licenses and address repeat violations through license revocation/suspension.	\$84,000	\$31,000	100%	\$57,500
Administrative Assistant III (Administrative Support Assistant III)	Sends mailers to all retailers in compliance, POC for all tobacco-related questions/concerns, responsible for proper evidence disposal, prepares litigation documents for court appeals and other tasks as necessary.	\$22.00/hr.	\$7.26/hr.	100%	\$30,000
Travel					
Item	Description of Item	Rate	Quantity		Total Amount Requested
Mileage	Mileage costs (\$0.58 per mile, DDPHE rate) incurred during tobacco inspections and based on additional program needs.	\$0.58	8,000		\$4,640
TOTAL (Personnel + Travel)					\$148,890

Projected Revenue

Performance Measure	Units	2018 Actual	2019 Actual	2020 Actual	2021 Actual	2022 Estimate	Data Source	Performance Measure Consideration
Total N of inspections conducted	# of inspections	2052	984	COVID Redeployment	201	2,400 (i.e., visit all 600 retailers four times/year)	Tobacco Program Database	This number is contingent upon another Investigator II or III
Total N of citations issued	# of citations	67	120	COVID Redeployment	37	432 (N of inspections x non-compliance rate)	Tobacco Program Database	Ideally this number would decline over time as retailers comply, but we have yet to see this decline.
Non-Compliance Rate	# of citations/# of inspections	7%	12%	COVID Redeployment	18%	18% (based on current non-compliance rate)	Tobacco Program Database	Ideally this percentage would decline over time as retailers with tobacco violations are addressed with increased fines, suspension orders and education/outreach.
Revenue Generated	\$ of citations issued	\$25,997	\$43,999	COVID Redeployment	\$9,250	\$364,000 (200 citations at first level fine of \$500 + 200 citations at second level fine of \$1,000 + 32 citations at third level)	Tobacco Program Database	As we issue more orders to show cause (or suspension orders), this number may level off



Local Tobacco Compliance and Enforcement Program

FINE SCHEDULE

Violation Type	1 st violation	2 nd violation	3 rd violation	4 th and subsequent violations
Underage Sale(s) to Person(s) Under Twenty-One (21)	\$500	✓ \$1,000 ✓ 30-day suspension order	✓ \$2,000 ✓ 60-day suspension order	✓ \$5,000 ✓ 1-year suspension order
Improper Signage, Self-Service Display(s) and Vending Machine(s)	Up to \$250	Up to \$500	Up to \$750	Up to \$999

Fines are assessed over a 36-month period.

Suspensions are assessed over a 12-month period.

Questions or concerns?

Please email us at CBHTobaccoProgram@denvergov.org or dial 3-1-1 (or 720-913-1311).

Effective March 1, 2022



LOCAL TOBACCO COMPLIANCE AND ENFORCEMENT PROGRAM

UNDERAGE SALE(S) TO PERSON(S) UNDER 21

D.R.M.C. Chapter 24, Article XI, Division 1, Sec. 402 and 406

	Assessment period	1 st Violation	2 nd Violation	3 rd Violation	4 th and Subsequent Violations
OLD FINE SCHEDULE	24 months for fines and 12 months for suspension orders	\$250	\$500 30-day suspension	\$750 60-day suspension	\$999 1-year suspension
CURRENT FINE SCHEDULE	36 months for fines and 12 months for suspension orders	\$500	\$1,000 30-day suspension	\$2,000 60-day suspension	\$5,000 1-year suspension
PROPOSED FINE SCHEDULE	36 months for fines and suspension orders	\$500 15-day suspension	\$1,000 30-day suspension	\$2,000 60-day suspension	\$5,000 1-year suspension

SELF-SERVICE DISPLAYS, PACKAGING, IMPROPER SIGNAGE and VENDING MACHINES

D.R.M.C. Chapter 24, Article XI, Division 1, Sec. 403 – 405

	Assessment period	1 st Violation	2 nd Violation	3 rd Violation	4 th and Subsequent Violations
OLD FINE SCHEDULE*	N/A	N/A	N/A	N/A	N/A
CURRENT FINE SCHEDULE**	36 months	\$250	\$500	\$750	\$999

* Due to limited staff capacity, inspections and enforcement of those 4 areas were not feasible

** As of March 1, 2022, DDPHE established a fine schedule for RTS in violation of the 4 areas.