

Tobacco 21 Process Map for Implementation

<p>1. Local Ordinance Enacted</p>	<p>2. Board of Health Process</p>	<p>3. Program Implementation</p>	<p>4. Civil Enforcement Process</p>
<p><u>Starting the Process</u></p> <p>Each community passes their own individual Tobacco 21 (T21) ordinance in collaboration with the Cuyahoga County Board of Health (CCBH).</p> <p>The ordinance includes details related to protocols for inspections, the vendor permitting process, the issuance and collection of civil penalties and the appeals process.</p> <p><u>Initial Education Period</u></p> <p>Once a T21 ordinance passes, CCBH works with the community to conduct an educational campaign that promotes and publicizes the ordinance to the general public and all local tobacco product vendors. In person visits ensure vendors are aware of the ordinance, the required annual permits and all other requirements and expectations specified in the ordinance. Tobacco product vendors have the opportunity to identify and address any concerns or barriers to compliance they may have.</p>	<p><u>Authority to Regulate</u></p> <p>The community's T21 ordinance grants CCBH the authority to act as its "licensing agent". This allows CCBH to issue annual permits to tobacco product vendors and civil penalties for those who are not compliant with program requirements, including permitting and inspection violations, along with tobacco sales to those under the age of 21.</p> <p>CCBH and the community sign either a contractual agreement (villages & townships) or an addendum to existing public health services contract (cities) that authorizes CCBH to act on the community's behalf in the T21 Program.</p>	<p><u>Education & Outreach</u></p> <p>During the initial program implementation period, CCBH collaborates with the community to identify all local tobacco product vendors and conducts in person education and outreach efforts to ensure they are aware of the new ordinance and its impacts. CCBH creates and distributes all necessary program educational materials, including the required signage to all vendors. CCBH also works to foster awareness of available smoking cessation resources.</p> <p><u>Permitting of Vendors</u></p> <p>CCBH works closely with the vendors throughout the initial permitting process to ensure all secure the required tobacco product sales permit. This permit is renewed annually by January 1st.</p> <p><u>Inspections & Compliance Checks</u></p> <p>CCBH staff conduct routine inspections of all tobacco product vendors. This includes verification that the required signage is posted and confirmation that all workers are aware that they must verify customer age and sell only to those 21 or older. CCBH also conducts random compliance checks, which includes a CCBH controlled attempted purchase of a tobacco product by an underage customer.</p>	<p><u>Focus is on the Business Owner</u></p> <p>Enforcement of the T21 ordinance features no criminal component. CCBH does not intend to fine or charge underage customers or vendor employees when violations are identified. Enforcement is strictly on business owners and is implemented in the form of civil penalties and/or potential permit suspension or revocation. Each vendor is subject to at least one annual inspection and periodic random compliance checks to document underage tobacco sales. Vendors that do not sell to an underage buyer during a compliance check receive a compliance letter that documents the attempted tobacco product purchase and thanks them for complying with the ordinance. CCBH also investigates complaints received from the general public related to unpermitted locations or underage tobacco sales.</p> <p>The following actions are examples of events that may trigger an enforcement action:</p> <ul style="list-style-type: none"> • Vendor is operating without the required program permit • Vendor refuses to post the required signage • CCBH staff witness a violation, including tobacco sales to an underage customer • Vendor sells a tobacco product to an underage customer during a compliance check • A complaint is investigated and vendor is found to be in violation of the ordinance <p><u>Example of Enforcement Protocol:</u></p> <ol style="list-style-type: none"> <u>1. First Offense – Written Warning</u> A written warning is issued to the business owner to advise of the violation and that any future violations will result in the issuance of a monetary civil penalty. <u>2. Second Offense - \$250 Civil Penalty</u> CCBH issues an initial civil penalty to the business owner for a second offense within the time frame designated in the ordinance. <u>3. Third Offense - \$500 Civil Penalty</u> <u>4. Fourth Offense - \$1,000 Civil Penalty</u> <u>5. Fifth Offense - Administrative Permit Review</u> The status of the permitted vendor is reviewed for possible permit suspension or revocation. The community may choose to modify the civil penalty amounts or eliminate the issuance of a warning letter for the first violation in lieu of issuing a civil penalty.