

# 2011 California Conference of Directors of Environmental Health – Excellence in Environmental Health Awards

## County of San Mateo, Environmental Health Division

### Tobacco Retailer License Program

**Overview:** In order to address the problem of easy access to tobacco to minors, San Mateo County Environmental Health implemented a Tobacco Retailer License (TRL) program. This program consists of a multi-agency effort that includes Environmental Health, San Mateo County Sheriff, California Department of Public Health (CDPH) Tobacco Education Program and many youth groups across the county. Implementation of this program aids in reducing access to tobacco for minors.

**Program Description:** Any facility that offers tobacco products for sale is required to obtain a TRL from Environmental Health. Further they are required to post the license in a conspicuous place. Local police, the Sheriff, or CDPH perform compliance checks as they see fit. A compliance check entails sending in a supervised minor in an attempt to purchase tobacco products. Violations of these compliance checks are forwarded to Environmental Health. Environmental Health, in turn, calls the facility in for an office hearing. A facility that is found to have violated any local, state or federal tobacco related law will have their permit suspended for up to 30 days upon the first violation, with increasing suspensions for repeat violations. During the suspension of the facilities TRL, they are not allowed to display or offer for sale any tobacco, or tobacco related products. Facilities that are found to be displaying or offering for sale tobacco or tobacco related products are fined, \$100, \$200, and \$500 for the first, second, and subsequent violations.

**Problem:** Tobacco use and habits can start early in life bringing life-long health problems such as emphysema, chronic bronchitis, and asthma. On average smokers die 12 years earlier than those that do not smoke. **Each day** 6,000 children under the age of 18 start smoking. Of those, 2,000 will keep smoking. That is 800,000 new teen smokers every year. If current tobacco use patterns continue, an estimated 6.4 million children will die prematurely from a smoking-related disease. Teen Smokers become addicted faster and on lower levels of nicotine than adults. While it is illegal for individuals to sell tobacco to minors, there was no incentive for facility owners or store managers to properly train their employees or equip the cash registers with I.D. scanners.

**Solution:** In 2000 San Mateo County Board of Supervisors passed an ordinance making it unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco product without first obtaining and maintaining a valid tobacco retailer license from Environmental Health for each location where such sales are conducted. In 2008

the Board amended the ordinance code strengthening enforcement provisions (see attached). Enforcement of the ordinance would only be successful if compliance checks were preformed by local police or the sheriff. In addition CDPH's Tobacco Control Program performs compliance checks through-out California. CDPH, Sheriff, and local police regularly report those businesses that are caught selling tobacco to minors. Those facilities are given notice of a hearing. The hearing officer decides on the length of suspension based on many factors such as, history of compliance checks, whether the facility commits to purchasing an I.D. check system that unlock the registers when a valid I.D. is presented, to a commitment of staff training. The ordinance allows for a suspension of up-to 30 days for the first finding of violation, 30-90 day suspension for a second finding within 2-years of the first finding, and no less than 90 days to 1 year for a third finding within 2-years of a previous finding.

During the suspension period, Environmental Health staff along with other agencies will regularly visit the facility, if they are displaying tobacco or tobacco related products, then the above mentioned fines will apply. These fine moneys are forwarded to San Mateo County's Public Health Division – Tobacco Education Program – and used to provide law enforcement agencies grant money to continue to fund compliance checks.

**Results and Successes:** Since passing the ordinance in 2000 over 1000 compliance checks have been performed. Over 100 businesses have been reported to the Division as having sold tobacco to a minor. To date suspensions have exceeded 1,200 days to individual businesses. Many businesses have installed I.D. check systems on their cash registered and many are ensuring employees understand the need to check I.D. Only one business has had a repeat violation of selling tobacco to a minor.

Prior to the TRL requirement buy rates in many parts of the County were as high as 1 in 5 stores willing to sell tobacco to minors, latest surveys by youth groups have shown buy rates to be now less than 1 in 12 stores willing to sell to minors. Smoking rates amongst teenagers in San Mateo County have dropped dramatically in the past 10 years and while this may be attributed to many factors, limiting easy access to tobacco is a strong part of any campaign to reduce youth smoking rates. And considering that most adult smokers became addicted as teenagers early preventative measures such as access issues are key in preventing life-long health issues associated with tobacco.