
Proposed Changes to Program Element 76

Local Administration of Statewide Tobacco Retail Licensing Inspections



OREGON PUBLIC HEALTH DIVISION
Tobacco Retail License Program

Program Element 76 Current Status

- PE 76 was approved in September 2022 and the program worked to onboard six Local Public Health Authorities (LPHAs) in July 2023 to complete Tobacco Retail Inspections.
- This past year has been a great learning experience for both OHA and LPHAs.
- The Program Element remains current, but OHA has recognized that the timeline for when inspections need to be completed, can be confusing for both LPHAs and OHA.
 - Annual calendar, federal fiscal year, state fiscal year.
- TRL is requesting that CLHO review and approve a slight language change to Program Element 76 Language and include an inspection timeline that can help ease some of the confusion.

Areas of confusion

Inspection Calendar Timeline

- TRL database is set up to collect information and assign inspections based on a calendar year.
- Calendar year (January- December) is used by the TRL program for data collection and reporting purposes for an entire year.
 - This can be a useful resource for local programs as they work to develop local public health tobacco policies.

Example

The Retail Violation Rate for Oregon
Minimum Legal Sales Age is 21% for 2023.

VS.

The Retail Violation Rate for Oregon
Minimum Legal Sales Age from October
2022- September 2023 is 23%.

Other Areas of Inspection Timeline Confusion

State Fiscal Year (July- June)

- The State fiscal year is used for the opt in period.
 - OHA and most LPHAs operate on a fiscal calendar year.
 - After the opt in period, LPHAs have a short turn around time for inspections during the first year.
- Example:
 - Inspections must occur between July 1- December 31st during the first opt in year.

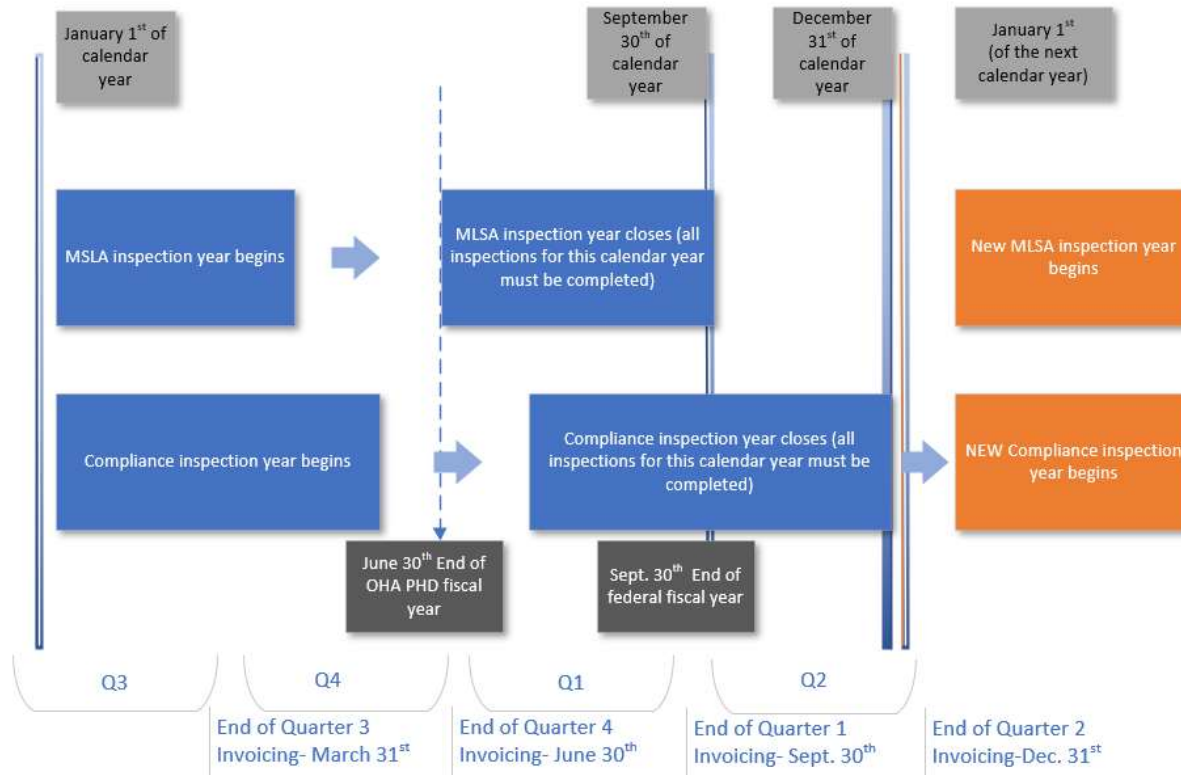
Federal Fiscal Year (October-September)

- TRL is responsible for reporting a sample of inspections on the Federal Fiscal Year. This is an important reporting period as it impacts Oregon's Substance Use Prevention, Treatment, and Recovery Services Block Grant (SUBG).
 - Some inspections are completed on the federal calendar year to comply with this federal funding.

Proposed Changes

- Providing Clarity
 - Adding a language change under section 5a:
- 5. **Procedural and Operational Requirements.** By accepting and using the Financial Assistance awarded under this Agreement and for this Program Element, LPHA agrees to conduct activities in accordance with the following requirements:
LPHA must:
 - a. Comply with all protocol activities and **inspection timeline** as described in the Attachment C, OHA Tobacco Retailer Inspection Protocol Manual, which aligns with requirements in OAR 333-015-0202 to 333-015-0267. Activities shall include the three types of inspections and the requirements associated with each of them:
- This suggested language change was presented to the CLHO HPP subcommittee and approved on January 4, 2024.

Proposed Changes: Addition to Attachment C: OHA TRL Inspection Protocol Manual



Attachment C: Added Explanation

1. All inspections must be completed annually on a Calendar year (January- December).
 - a. Minimum Legal Sales Age (MLSA) inspections must be completed between January 1st and September 30th.
 - b. Compliance inspections, including follow-up compliance inspections, must be completed between January 1st and December 31st.
 - c. Both MLSA and Compliance inspections must be completed for a retailer within the calendar year (between January 1st and December 31st) before invoicing. Failure to complete both inspections within the calendar year will result in non-payment. If unique circumstances arise that prevent an inspection from being completed, reach out to OHA immediately to discuss.
2. During the first year of opting into PE 76, MLSA inspections will need to be completed by September 30th and Compliance inspections will need to be completed by December 31st to keep inspections on the calendar year.
3. During the second and subsequent years, inspections can begin on January 1st and the local program may invoice OHA as soon as both inspections are complete for the retailer in the calendar year.

Questions? And our ask.

- Our ask is that CLHO approve the suggested language change and addition to Attachment C.

