

917

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Health Agency/Department of Public Health

SUBMITTAL DATE:
March 10, 2006

SUBJECT: Tobacco Retail License Program Report

RECOMMENDED MOTION:

- 1) Receive and file the Tobacco Retail License Program Report.

BACKGROUND: On September 13, 2005, the Board of Supervisors unanimously approved a Countywide tobacco retail licensing ordinance. County Ordinance 838 requires merchants to have a license to retail tobacco and the program became operational thirty (30) days after adoption by the Board of Supervisors. The Tobacco Retail License Program includes the issuance of licenses, oversight, regulation and enforcement of existing tobacco laws. The goal of this licensing effort is to have all 24 cities in Riverside County adopt an identical ordinance and defer to the Community Health Agency for enforcement, oversight and regulation within their jurisdictions.

Departmental Concurrence

Susan D. Harrington

Susan Harrington, Director
Department of Public Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature *Dan Marting*

- Dep't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy
- Policy

County of Riverside Community Health Agency
Department of Public Health
March 10, 2006

Tobacco Retail License Program Report
September 13, 2005- March 9, 2006

History and Background

On September 13, 2005, the Riverside County Board of Supervisors unanimously passed County Ordinance 838 which requires all merchants who retail tobacco in the unincorporated areas of the County to obtain and maintain a license to sell tobacco, tobacco products and paraphernalia. The ordinance became effective on October 13, 2005. This action was taken primarily due to the unacceptably high sales to minor's rates of tobacco in Riverside County. At the time of passage, the Supervisors urged the 24 cities in the County to adopt the identical ordinance and defer to the County Department of Public Health for oversight, regulation and enforcement in order to have a uniform regulation of tobacco countywide. The Supervisors also requested that the Department meet with the retail grocery industry which was accomplished with a conference call in October 2005. During the call there were no issues of concern and the grocery industry representatives felt it was not necessary to meet again. We assured them that we would be available any time to discuss any issues or concerns that may arise.

Program Structure and Staff

Immediately after passage of Ordinance 838, work began to develop and implement a comprehensive regulatory program and to identify key staff. In December, 2005, the Program Director, Senior Health Educator, and Office Assistant III were hired. The oversight and enforcement procedural flow chart has been completed. Internal policies and procedures are being developed and will be completed by March 31, 2006. Numerous administrative forms have been developed and are attached for your information.

Decoy Training Program

Underage youth serving as decoys are an important part of the enforcement of Ordinance 838. As of March 1, 2006, 27 youth have participated in training in Riverside, Corona, Norco and Murrieta. When fully operational, the goal is to have 100 trained decoys ready for undercover work in the five Supervisorial districts.

Progress with Cities

Since nearly 80% of tobacco retailers are in the incorporated areas of Riverside County it is essential to the success of the program to have the 24 cities adopt Ordinance 838. To date, Corona (October, 2005) and Norco (March, 2006) have voted to adopt the County ordinance. The City of Murrieta has the ordinance on the agenda for consideration in April. On March 6, 2006, the Western Riverside Council of Governments (WRCOG),

representing the 14 cities in western Riverside County, voted unanimously to recommend the adoption of the ordinance for their member cities. The Coachella Valley Association of Governments (CVAG) will consider the issue on March 22, 2006.

Licensing Compliance

To date nearly 50% of the identified tobacco retailers in areas covered by Ordinance 838 have complied with the licensing requirement in the first five months. Until recently the compliance figures were running higher, but a recent influx of identified merchants are still in the process of application, and are not yet officially licensed. February 17, 2006 was established as the deadline for merchants in the unincorporated areas and the city of Corona to apply for a license, or run the risk of citation and fine. The following are license compliance rates by Supervisorial District:

District 1-	46%
District 2-	42%
District 3-	51%
District 4-	46%
District 5-	34%

Program Objectives for FY 2005/06

Objective # 1- By September 1, 2006 all 24 incorporated cities, in addition to the County unincorporated areas will be covered by County Ordinance 838.

Objective #2- By November 1, 2006 the Tobacco Retail Licensing program will be fully staffed.

Objective #3- By January 1, 2007, 80% of all tobacco retailers in Riverside County will be licensed.

Objective #4- For the year 2007, the sales to minors countywide will be less than 10%.

Attachments

1. Tobacco License
2. License Application
3. NOV (Notice of Violation)
4. Letter to Merchants #1
5. Letter to Merchants #2
6. Press Release-January 25, 2006
7. Press Release- February 15, 2006
8. Legal Notice

**County of Riverside Community Health Agency
Department of Public Health**



**PUBLIC HEALTH PERMIT
Tobacco Retail License**

THIS PERMIT IS GRANTED FOR THE BUSINESS INDICATED ON THE CONDITION THE PERSON, CORPORATION OR ENTITY NAMED IN THE PERMIT WILL ENSURE THAT THE BUSINESS IS OPERATED IN COMPLIANCE WITH THE LAWS, ORDINANCES AND REGULATIONS THAT ARE NOW OR MAY HEREAFTER BE IN FORCE BY THE UNITED STATES GOVERNMENT, THE STATE OF CALIFORNIA AND THE COUNTY OF RIVERSIDE PERTAINING TO SUCH BUSINESS. THIS PERMIT MUST BE RENEWED ON OR BEFORE THE EXPIRATION DATE AS SHOWN ABOVE. THIS PERMIT MAY BE SUSPENDED OR REVOKED BY THE ENFORCEMENT OFFICER FOR CAUSE. INSPECTION OF THIS BUSINESS MAY BE CONDUCTED BY A DULY AUTHORIZED REPRESENTATIVE OF THE DIRECTOR OF PUBLIC HEALTH. THIS PERMIT IS NOT TRANSFERABLE OR REFUNDABLE.

NAME
D.B.A.
LOCATION
TYPE OF BUSINESS
MAILING ADDRESS
CITY AND STATE

MUST BE POSTED IN A PROMINENT LOCATION
DISTRIBUTION: ORIGINAL - OWNER; CANARY - FILE; PINK - INSPECTOR FILE



County of Riverside Community Health Agency
Department of Public Health-Tobacco Retail Licensing
P.O. Box 7600
Riverside, CA 92513-7600
(951) 358-7157

AN APPLICATION FOR A TOBACCO RETAIL LICENSE
Riverside County Ordinance No. 838

This Application is for: A New Permit Re-Issuing a Revoked Permit
 Annual Renewal Change of Ownership

Name of Owner(s): _____ DBA: _____

Address of DBA: _____ City: _____ Zip: _____

Billing Address: _____ City: _____ Zip: _____

Previous Name of Business at this Address (If Any) _____

State of California Board of Equalization Tobacco Retail License #: _____

ANNUAL TOBACCO PERMIT FEE- \$350.00

Please submit a check or Money Order payable to: **Riverside County Department of Public Health** with your application.

A Department of Public Health Permit is required before retailing any tobacco, tobacco products, or paraphernalia, and is contingent upon the observance of **ALL** federal, state, and local tobacco laws. Selling tobacco without a license is a serious offense, and could result in substantial penalties including fines and the denial of future Riverside County Tobacco Retailing Permits. Permits are issued to fixed addresses only, and each address requires a separate permit.

I hereby apply for a tobacco retailing permit with the appropriate fees attached, to operate at the above address in Riverside County and I also state that the information given on this form is true and correct.

Date: _____ Owner(s): _____ Signature _____ Driver License # _____

Telephone: Business _____ Home _____

County Use Only

PERMIT # _____

NOTES:



OFFICIAL NOTICE OF VIOLATION

County of Riverside Community Health Agency
Department of Public Health/Tobacco Retail Licensing
4065 County Circle Drive
Riverside, CA 92503
(951) 358-7157

NAME OF BUSINESS _____ DATE: _____

OWNER/MANAGER _____

ADDRESS: _____

RIVERSIDE COUNTY TOBACCO LICENSE NO.: _____

NATURE OF VIOLATION: _____

You must take the following corrective action to bring your business into compliance:

YOU ARE HEREBY REQUIRED TO COMPLY with the provisions of the ordinance and/or code by: _____

FAILURE TO COMPLY WILL RESULT IN LEGAL ACTION BEING BROUGHT AGAINST YOU INCLUDING CITATION, FINE AND/OR LOSS OF FUTURE RIGHT TO SELL TOBACCO IN RIVERSIDE COUNTY.

Tobacco Staff _____

(Signature) Received By

Copy To:

ABC
Environmental Health

(Print) Received By

Driver's License Number & STATE



Susan Harrington, M.S., R.D.
Director of Public Health

November 7, 2005

To All Tobacco Retailers in Riverside County:

On October 13, 2005 the tobacco retailer licensing ordinance became effective for all merchants who sell tobacco, tobacco products, or tobacco paraphernalia in the unincorporated areas of Riverside County. **If your business is in the unincorporated areas of Riverside County, you must apply for a license now.** The intent of this ordinance is to encourage responsible tobacco retailing and to discourage the violations of federal, state and local tobacco laws, especially those laws that forbid the sale and distribution of tobacco products to minors.

Surveys have revealed that Riverside County has one of the highest rates of sales to minors in the State of California. This is a matter of serious concern for public health as well as the citizens of Riverside County. Requiring a retail license to sell tobacco is becoming increasingly effective in reducing the rate of illegal tobacco sales. Forty seven cities and counties in the State of California have already adopted tobacco retail licensing.

The Riverside County Department of Public Health will be the lead agency in the administration, oversight, and enforcement of this new ordinance. You can anticipate that personnel from the Department of Public Health will conduct regular inspections of your place of business and will also conduct periodic youth decoy and undercover "sting" operations to monitor any sales to minors.

The new license requirement is **in addition** to your existing State of California tobacco retailing license. The annual \$350 license fee covers the cost of program administration, oversight, inspection and enforcement.

Enclosed in this correspondence is the Tobacco Retailer License application and an addressed envelope for your convenience.

Sincerely,

Susan Harrington, M.S., R.D.
Director of Public Health



Susan Harrington, M.S., R.D.
Director of Public Health

To All Tobacco Retailers in Corona:

December 21, 2005

The Corona City Counsel recently passed a tobacco retailer licensing ordinance for all merchants in the city who sell tobacco, tobacco products, or tobacco paraphernalia. The intent of this ordinance is to encourage responsible tobacco retailing and to discourage the violations of federal, state and local tobacco laws, especially those laws that forbid the sale and distribution of tobacco products to minors.

If your business sells tobacco, tobacco products, or tobacco paraphernalia, you must apply for a license now.

The Riverside County Department of Public Health will be the lead agency in the administration, oversight, and enforcement of this new ordinance. You can anticipate personnel from the Department of Public Health will conduct regular inspections of your place of business, and will also conduct periodic youth decoy and undercover "sting" operations to monitor any possible sales to minors.

Surveys have indicated that Riverside County has one of the highest rates of sales to minors in the State of California. This is a matter of serious concern for public health as well as the citizens of Riverside County. Requiring a retail license to sell tobacco is becoming increasingly effective in reducing the rate of illegal tobacco sales. Nearly 50 cities and counties in the California have adopted tobacco retail licensing.

The new license requirement is **in addition** to your existing State of California tobacco retailer license. The annual \$350 license fee covers the cost of program administration, oversight, inspection and enforcement.

Enclosed is the Tobacco Retailer License application and a self- addressed envelope for your convenience.

Sincerely,

Susan Harrington, M.S., R.D.
Director of Public Health



**COUNTY OF RIVESIDE
COMMUNITY HEALTH AGENCY
DEPARTMENT OF PUBLIC HEALTH**

Date: January 25, 2006

Released By: Robert Peterson, MPH,
Director, Tobacco Retail Licensing
(951) 358-7162

Contact: Florence Neglia
Director, Health Education Services
(951) 358-4977
(951) 358-4920 Fax

FOR IMMEDIATE RELEASE:

Health Department Sets Deadline

Riverside County Department of Public Health announced today that merchants who retail tobacco and tobacco products have until February 17, 2006 to apply for a license. All tobacco retailers in the unincorporated areas of the County and in the city of Corona must have a license by that date or face serious penalties including loss of product, fines, and restrictions on obtaining a license in the future.

Passed unanimously on September 13, 2005 by the Riverside County Board of Supervisors, ordinance #838 requires a license of all who sell tobacco in the unincorporated areas of the county. The city of Corona adopted the identical ordinance in October and deferred to the County for oversight and enforcement. It is expected that in the next few months all cities will adopt this ordinance and there will be a uniform regulation governing the sale of tobacco in all areas of Riverside County. This measure and ones similar to it, in over 50 cities and counties in the state of California, are aimed at reducing the sale of tobacco to minors. According to surveys and undercover sting operations conducted by the State Food and Drug Branch, Riverside County had one of the highest rates of sales to minors in the state over the past few years. "We are not going to win the war on tobacco by developing better treatments for lung cancer. We are going to win it by keeping a generation of kids from starting to smoke," according to Susan Harrington, Director of the Department of Public Health. "We feel this ordinance will, over the next 2 years reduce the number of packs of cigarettes sold to 12-17 year olds by 80-90% in Riverside County. Our ultimate goal is of course to reduce that figure to zero," said Harrington. Current estimates indicate 5 million packs of cigarettes are sold each year to minors in Riverside County. Recent state figures have shown that Riverside County's sales to minor's rate was 44%, with the city of Riverside having a rate of 65%. "Requiring a license to sell tobacco has been shown to be an effective way to reduce the illegal sale of tobacco to minors," according to Robert Peterson, Director of the Tobacco Licensing Program at the Department of Public Health. "If a merchant is convicted of selling tobacco to anyone under the age of 18, that license can be revoked for a period of time even on the first offense. Since many tobacco retailers do thousands of dollars in legal tobacco sales each month, there is great motivation not to jeopardize that license by occasionally selling to minors," said Peterson.

Information letters and license applications have been mailed out to all merchants in the affected areas over the past two months. Beginning next week visits will be made by Department of Public Health staff to unlicensed merchants who perhaps don't understand the ordinance, or need assistance in completing the application. For further information call (951) 358-7157, or visit the website at www.rivcoph.org/healthed/license.htm



**COUNTY OF RIVESIDE
COMMUNITY HEALTH AGENCY
DEPARTMENT OF PUBLIC HEALTH**

Date: February 15, 2006

Released By: Robert Peterson, MPH,
Director, Tobacco Retail Licensing
(951) 358-7162

Contact: Florence Neglia
Director, Health Education Services
(951) 358-4977
(951) 358-4920 Fax

FOR IMMEDIATE RELEASE:

Deadline for Tobacco License

Riverside County Department of Public Health announced today that merchants who continue to retail tobacco, tobacco products and/or tobacco paraphernalia after February 17, 2006 without a valid Riverside County tobacco license issued by the department of Public Health, face serious penalties including loss of product, fines, and restrictions on obtaining a license in the future. This requirement affects all tobacco retailers in the unincorporated areas of the County and the city of Corona.

Passed unanimously on September 13, 2005 by the Riverside County Board of Supervisors, ordinance #838 requires a license of all who sell tobacco in the unincorporated areas of the county. The city of Corona adopted the identical ordinance in October and deferred to the County for oversight and enforcement. It is expected that in the next few months all cities will adopt this ordinance and there will be a uniform regulation governing the sale of tobacco in all areas of Riverside County. This measure and ones similar to it, in over 50 cities and counties in the state of California, are aimed at reducing the sale of tobacco to minors. According to surveys and undercover sting operations conducted by the State Food and Drug Branch, Riverside County had one of the highest rates of sales to minors in the state over the past few years. "We are not going to win the war on tobacco by developing better treatments for lung cancer. We are going to win it by keeping a generation of kids from starting to smoke," according to Susan Harrington, Director of the Department of Public Health. "We feel this ordinance will, over the next 2 years reduce the number of packs of cigarettes sold to 12-17 year olds by 80-90% in Riverside County. Our ultimate goal is of course to reduce that figure to zero," said Harrington. Current estimates indicate 5 million packs of cigarettes are sold each year to minors in Riverside County. Recent state figures have shown that Riverside County's sales to minor's rate was 44%, with the city of Riverside having a rate of 65%. "Requiring a license to sell tobacco has been shown to be an effective way to reduce the illegal sale of tobacco to minors," according to Robert Peterson, Director of the Tobacco Licensing Program at the Department of Public Health. "If a merchant is convicted of selling tobacco to anyone under the age of 18, that license can be revoked for a period of time even on the first offense. Since many tobacco retailers do thousands of dollars in legal tobacco sales each month, there is great motivation not to jeopardize that license by occasionally selling to minors," said Peterson.

For further information call (951) 358-7157, or visit the website at www.rivcoph.org/healthed/license.htm

THE PRESS-ENTERPRISE

Corona-Norco Independent, Elsinore Sun-Tribune,
Rancho News, Sun City News, Menifee Valley News

3512 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

PROOF OF PUBLICATION OF

LE-County

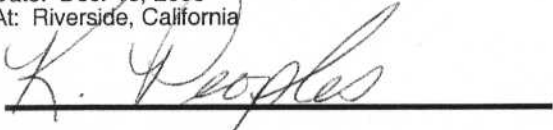
Ad Desc.: Tobacco Retail License

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12-14-05
12-15-05
12-16-05

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Dec. 16, 2005
At: Riverside, California



TOBACCO RETAIL LICENSING / CO OF
4065 COUNTY CIRCLE DR
SHARON ARRINGTON
RIVERSIDE CA 92503

Ad #: 7332489

PO #:

Agency #: _____

Ad Copy:

Public Notice
BOARD OF SUPERVISORS
OF THE
COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA
ORDINANCE NO. 838
CONCERNING
REQUIREMENT FOR
ALL TOBACCO RETAILERS
OPERATING WITHIN THE
UNINCORPORATED
AREAS OF
RIVERSIDE COUNTY TO
PURCHASE A
TOBACCO RETAIL
LICENSE.

The Board of Supervisors of the County of Riverside ordains as follows:

Section 4 (a): It shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid Tobacco Retailers License pursuant to this Ordinance for each location at which this activity is to occur.

Applications are available by phoning the Department of Public Health, Tobacco Retail Licensing Program at (951) 358-7157 12/14,15,16