

## Meeting Notes

### **Sales to Minors Rules Advisory Committee (RAC)**

March 17, 2016, 2:00 p.m. – 4:00 p.m.

Portland State Office Building

800 NE Oregon Street – Room 1D

#### RAC Members attending:

Brittany Duffy-Goche (American Cancer Society Cancer Action Network); Karen Girard (Oregon Health Authority); Christy Inskip (Lane County Public Health); Janet Jones (Umatilla County Public Health- on phone); Kari McFarlan (Multnomah County Health Department); Shawn Miller (NW Grocer's Association); Matt Minahan (NW Vapor Association); Anthony Nguyen (Providence Rebels with a Cause/Madison High School); Jesse Sweet (Oregon Liquor Control Commission); Barbara Stoenner (Department of Revenue- on phone); Fred Testa (Oregon State Police)

#### Observers:

Rosa Klein (Oregon Health Authority); Amanda Kraus (Senior Legislative Aide for Representative Taylor); Lizzy Wills (Senior Legislative Aide Senator Steiner Hayward)

Facilitators: Kim La Croix (Oregon Health Authority); Jeff Ruscoe (Oregon Health Authority)

Welcome and Overview of Rulemaking Process: RAC members and meeting observers introduced themselves. The purpose of the RAC is to address rulemaking related to standards for reducing the sale of tobacco and inhalant delivery systems to minors (revisions to OAR 333-15-0200 to -220). Temporary rules were filed in December 2015 and this RAC is providing input on the final rules, which are to be permanent by July 1, 2016. These rules were previously implemented by the Addictions and Mental Health Division. As a result of restructuring in OHA, these rules will now be implemented by the Public Health Division.

Overview of Sales to Minors Regulations: An overview of the laws about underage tobacco sales was provided (see Attachment: Laws on Underage Tobacco Sales). The committee discussed if signs are required if no minors are permitted in the store. It was clarified that signs still need to be posted, even if no minors are allowed in a store.

Discuss Proposed Rule Language: The RAC reviewed the proposed rule language, which included adding "inhalant delivery systems" language throughout the rules to reflect statutory changes from HB 2546, which passed during the 2015 legislative session. HB 2546 added inhalant delivery systems to most tobacco laws, including laws on underage tobacco sales. The committee discussed the importance of defining "minor," as minor has a different meaning for different laws (e.g. alcohol, marijuana).

Categories of proposed rule language that were discussed include:

- Definitions: OAR 333-015-0200
- Notice Posting Requirement: OAR 333-015-02015
- Location of Tobacco Products Within a Retail Store: OAR 333-015-0210
- Enforcement: OAR 333-015-0215
- Annual Report: OAR 333-015-0220

RAC members discussed the possibility of creating an exemption for posting the required Notice in medical marijuana dispensaries and recreational marijuana retailers. Medical marijuana dispensaries and recreational marijuana retailers must meet their marijuana specific standards but are captured under the current definition of “outlet” if they sell inhalant delivery systems.

The RAC reviewed the system for generating the list of tobacco retailers that is used to conduct tobacco compliance inspections is generated. RAC members stated the importance of identifying a clear plan for law enforcement to implement when conducting inspections, as there is both civil and criminal enforcement.

Review Statement of Need and Fiscal Impact: The RAC reviewed the Statement of Need and Fiscal Impact documents, which predict no increase in costs for OHA, Local Public Health Authorities or small businesses. There were no concerns expressed.

Process Review and Final Questions: A summary of the rulemaking process was provided to the RAC.

The following date and location is scheduled for a public hearing:

May 16, 2016

Location: Portland State Office Building, Room 1E

800 NE Oregon Street, Portland, OR 97232

Time: 9:00 a.m.

A public comment period will begin on April 15, 2015. Written testimony can be sent to [publichealth.rules@state.or.us](mailto:publichealth.rules@state.or.us) by May 23, 2016 by 5:00pm.

The statutory deadline for finalizing the rules with the Secretary of State is July 1, 2016.

RAC members were thanked for their participation and the meeting was adjourned.