

TOBACCO21 Process Map for Implementation*

1. Local Ordinance Enacted

Each community passes their own individual Tobacco 21 (T21) ordinance in collaboration with the Cuyahoga County Board of Health.

Initial Education Period

Once a T21 ordinance passes, there will be an educational period during which the Cuyahoga County Board of Health (CCBH) will work closely with the community to establish and publicize the ordinance and conduct public outreach and education efforts. This process will work to ensure vendors are aware of the rules and can identify and address any barriers to compliance.

The ordinance will include details related to protocols for inspections, the permitting process for vendors, and the process for collection of registration payments, and collection of fines.

2. Board of Health Process

Authority to Regulate

City ordinances will grant the Cuyahoga County Board of Health (CCBH) the authority to issue permits to tobacco vendors and the authority to fine tobacco vendors that are not compliant with rules concerning the sales of tobacco products to underage customers.

3. Program Implementation

Permitting of Vendors

During an initial program implementation period, CCBH will work closely with townships, cities, and villages that have passed a T21 ordinance to identify and permit all tobacco product vendors in each municipality. Vendors will pay a \$100.00 annual permit fee.

Education & Outreach

CCBH will collaborate with the community to conduct education and outreach efforts to ensure vendors are aware of the new regulation. CCBH will distribute program requirements, educational materials, and required signage to all vendors. Additionally, CCBH will work to foster awareness of available smoking cessation resources.

Yearly Inspection & Random Compliance Checks

After the initial implementation period, CCBH staff will conduct annual inspections of all vendors to check for signage and to provide additional education to store employees and managers. CCBH will also periodically conduct random unannounced compliance checks, which will include a CCBH controlled attempted purchase of tobacco products by an underage customer.

4. Enforcement Process

Enforcement of the T21 ordinance will feature no criminal component. CCBH does not have the authority or intention to fine or charge youth customers or vendor employees. Enforcement will be strictly limited to business owners in the form of fines and/or permit revocation. Each vendor will be subject to at least one annual inspection. Additionally, CCBH will periodically conduct random unannounced compliance checks which will include the attempted purchase of tobacco by an underage customer. CCBH will also investigate complaints received via phone, email, or letter.

Enforcement Example

Enforcement actions may be triggered by any of the following events:

- CCBH staff witness tobacco sales to an underage customer.
- A vendor sells to an underage customer during an unannounced compliance check.
- A complaint is investigated and vendor is found to be in violation.

The following is one example of how this enforcement process may play out for a noncompliant vendor.

FIRST OFFENSE - WRITTEN WARNING

An unannounced compliance check is conducted and the vendor sells a tobacco product to an underage customer in view of a CCBH staff member. A written warning is issued to the business owner.

2 SECOND OFFENSE - \$250 FINE

CCBH receives a complaint that the vendor is continuing to sell tobacco to underage customers. A second unannounced compliance check is conducted in response to the complaint, and the vendor sells to an underage customer. CCBH issues a \$250 fine to the business owner.

3 THIRD OFFENSE - \$500 FINE

A CCBH staff member is onsite conducting an annual inspection and witnesses the vendor sell tobacco to an underage customer. CCBH issues a \$500 fine to the business owner.

4 FOURTH OFFENSE - \$1,000 FINE

An unannounced compliance check is conducted and the vendor once again sells a tobacco product to an underage customer. CCBH issues a \$1,000 fine to the business owner.

5 FIFTH OFFENSE - ADMINISTRATIVE PERMIT REVIEW

During the next unannounced compliance check, a vendor once again sells tobacco to an underage customer. The status of the permitted vendor is reviewed for possible permit revocation.

*Process map adapted from Summit County Public Health