

**Report on issues discussed at the weekly
Management Update meeting on June 30, 2014**

Commissioners present: Commissioners Sam Brentano, Janet Carlson and Kevin Cameron.

Others present: John Lattimer, Gloria Roy, Rod Calkins, Diana Dickey, Pam Hutchinson, Emily deHayr, Gary Hales, Bruce Armstrong, Jolene Kelley and Lynne Coburn as recorder.

INFORMATIONAL

Tobacco Prevention Program Update

Health Department Administrator Rod Calkins said the Health Department would like to discuss tobacco and electronic cigarettes (e-cigarettes) in the context of Marion County and wellness. He introduced Health Educator Diana Dickey to discuss retail practices in Marion County and the emerging issue of e-cigarettes. Ms. Dickey presented the Marion County Point of Sale Tobacco Retail Audits report (Attachment A) noting that the audit was performed using a tobacco retail assessment tool created by the University of North Carolina and that the audits were conducted anonymously with no violations reporting. She said the Health Department is looking to do similar audits in the City of Salem and in the unincorporated areas of Marion County within the urban growth boundary.

Ms. Dickey said there are currently no regulations for e-cigarettes; however she believes the legislature will look at e-cigarettes in the next legislative session. She said one of the emerging trends is vaping tetrahydrocannabinol (THC) oil rather than nicotine oil in an e-cigarette. She also explained that some local jurisdictions and the State of Oregon have included e-cigarettes in their tobacco free or smoke free policies. She added that the City of Corvallis and Benton County have created an ordinance that mirrors Oregon's Indoor Clean Air Act, but also includes e-cigarettes. Commissioner Carlson said in this instance if the state legislature and federal government do not act, does a local government have the authority to act? Mr. Calkins said the City of Corvallis has put in an ordinance using the Indoor Clean Air Act as a model and included e-cigarettes. He said he does not believe anyone has challenged the ordinance. County Counsel Gloria Roy said this would be under the general police powers and Marion County could consider it. There was discussion about amending the county's no-smoking ordinance to include e-cigarettes and Mr. Armstrong asked if the board would like to identify vaping as similar to smoking. Commissioner Carlson said yes. Commissioner Cameron said to avoid confusion it would be helpful if there was consistency throughout the area whether it is on state property or on county property. Commissioner Carlson suggested that that Health Department and Legal have a discussion and bring the board two or three options to consider. Commissioner Cameron said he would like one of the options to be the state policy and how the county could implement it. Commissioner Carlson said depending on how soon the Health Department can get a work session she would like to have something in place before November. Mr. Calkins said storage of

e-cigarette liquid is an issue because of the toxicity. Ms. Dickey said between 2010 and 2014 calls to the Poison Control Center for nicotine poisoning went from 1 call in 2010 to 215 in 2014. She said there is also no requirement for a child safety cap. Commissioner Cameron asked that the nicotine poisoning information be passed on to the legislative workgroup. Chief Administrative Officer John Lattimer and Commissioner Carlson requested the complete tobacco retail audit report.

OTHER

County Counsel Gloria Roy said an initiative has been filed in Marion County to gather signatures to try and ban genetically modified organisms (GMOs). She explained that even if enough signatures are gathered and the measure got on the ballot and passed it would not be valid or enforceable because of state law; however, the county must go through the process of drafting a ballot title and allow the group to gather signatures. Commissioner Cameron asked if the ballot measure passed could it be implemented if the legislators repealed the statewide ban. Ms. Roy said yes. Ms. Roy said the county rejected one other petition because it had multiple subjects (rename Courthouse Square to U-REN Plaza, repeal the ban on smoking in parks, and repeal the ban on alcohol in parks).

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATES

Commissioner Carlson said she received a letter from the Jefferson Fire District requesting money for their annual Emergency Services Expo. She said the board receives these types of letters from time to time and other counties, such as Deschutes County, has money set aside for these types of requests. She suggested the county investigate how other counties handle these requests.

Commissioner Carlson said she attended a Solid Waste Management Advisory Committee (SWMAC) meeting on June 24, 2014. She said Environmental Services Division Manager Jeff Bickford reported that the department is considering accepting 1000 pounds of batteries per month from the Oregon Department of Corrections (DOC) because the batteries start and end in Salem. Commissioner Brentano said the end is where the battery is used. Chief Administrative Officer John Lattimer said if DOC wants to participate in the county's program then the county should charge DOC. Commissioner Brentano agreed. The board determined that Public Works Director Alan Haley and Mr. Bickford should present information to the board about the DOC battery recycling before moving forward with the policy. Commissioner Brentano said SWMAC should be discussing and vetting every policy that affects the county from infectious waste to batteries. Those should be their recommendations to the department and the board. Commissioner Cameron asked if SWMAC has a charter. Commissioner Carlson said yes and suggested that the board review the charter. Commissioner Carlson said she would continue to attend SWMAC meetings as her schedule permits. She added that SWMAC is also working on the Solid Waste Master Plan.

Commissioner Carlson requested information regarding emails about the Oregon Garden she had received. Commissioner Brentano said the Oregon Garden Foundation has invited Oregon State Parks and Recreation to take a look at the facility. There was discussion about the City of Silverton wanting to sell the Pettit property adjacent to the Oregon Garden. Commissioner Brentano said purchasing the 80 acres is beyond the foundation's ability. Commissioner Carlson said the City

of Keizer purchased Keizer Rapids Park property with grants and other sources. She said maybe one of the pieces of conversation should be how the board might financially put together the package to purchase the property.

The board discussed a letter to the editor that appeared in the Statesman Journal. Judge Jonathan Clark was sworn in as the new Stayton Municipal Court judge. Judge Steven Summers retires on December 31, 2014.

Commissioner Brentano said he attended a Travel Salem Board of Directors meeting. He said he believes the City of Salem has signed on to Travel Salem's supplemental funding for fiscal year 2014-2015.

Commissioner Brentano said Valley Development Initiatives (VDI) has made some loans and signed agreements with Woodburn for housing rehabilitation. He provided a brief history of Mid-Willamette Valley Council of Governments' (COG) VDI and Revolving Loan programs and said he chaired the committees for many years until he became a commissioner. There was discussion about modeling the Economic Development Advisory Board (EDAB) grant program after the VDI program.

Commissioner Brentano said Salem Keizer Transportation Study (SKATS) received a letter from the Oregon Land Conservation and Development Commission stating that each of SKATS entities must have their own decision on accepting or not accepting transportation planning rules. He said SKATS voting is a unanimous situation so it is not necessary. He said SKATS has responded stating it does not agree.

Commissioner Brentano said he recently read that counties are being sued by Farmers Insurance for flood damage due to flood control or water control projects not being adequate therefore farmers had to pay on some flood events. Farmers Insurance is also suing counties due to inadequate climate change preparation.

Commissioner Brentano said he attended a Northwest Senior & Disability Services meeting in Tillamook. He said the highlight was that all the counties are approving budgets.

Commissioner Cameron said he attended the Salem River Crossing meeting for Commissioner Brentano. He said the group kept three options and he pointed out that the difference between two options is the cost of another bridge. He will email Commissioner Brentano the task force's next steps information.

Commissioner Cameron said Denyc Boles will be sworn in tomorrow as the new representative for Oregon House District 19.

Commissioner Cameron said he attended a Job Growers Executive Committee meeting. Both Michael Fowler and Matt Lazzeri have asked Tony Frazier to put together a plan for the transition trade school proposal. He said he will be meeting one-on-one with Mr. Fraizer to hear his vision and what he expects from a committee member.

Commissioner Cameron said his application for the Oregon State Fair Council was submitted, he met with Safety and Wellness Coordinator Beth Hawk, spoke with State Farm agents at the Salem Convention Center, met with Legal staff on Friday afternoon, and attended the annual National Field Day for Amateur Radio Emergencies Services.

Commissioner Cameron said with the Affordable Care Act Cadillac Tax coming in 2018 the county should try to look at its health plans and price them according to what they actually cost. He said this would incentivize county employees to take care of their health and make those choices as they move forward. Commissioner Carlson noted that there are several issues involved with the county health plans including union negotiations and Health and Insurance Study Committee (HISC). There was discussion about Deschutes and Jackson Counties creating their own clinics and it was noted that when Marion County researched a clinic it was not cost effective. Commissioner Cameron suggested that the board begin talking about a long term plan on the county's health benefits.

There was discussion about Oregon State University Extension Services collecting signatures and when the board should vote to refer the measure to voters if enough signatures are gathered. The board determined it would be in the fall. Gloria Roy said she would provide the board with a reverse timeline noting the two public hearing dates.

Attachments: (A) Marion County Point of Sale Tobacco Retail Audits Report

MARION COUNTY POINT OF SALE TOBACCO RETAIL AUDITS



Prepared by
Diana Dickey, Health Educator
Marion County Health Department Tobacco Prevention and Education Program
Updated June 2014

Marion County Tobacco Retail License (TRL) Efforts

- May 2013 TPEP staff attended Counter Tobacco Training to learn how to collect and analyze tobacco retailer data.
- Tobacco retailers in 4 communities, Woodburn, Silverton, Stayton and Keizer were assessed in 2013.



Point of Sale Audits

- ▣ Observational audits conducted, with questions in 5 categories:
 - Exterior/Interior Price Promotions
 - Price Comparison
 - Placement of Advertising and Product
 - Other Tobacco Products Available
 - FDA Compliance

Audits were conducted at 52 tobacco retailers which included the total of the known retailers in Keizer, Woodburn, Silverton and Stayton

Price Promotions

Exterior price promotions are usually large display posters or banners displayed on a sign or pole, as a hanging banner, or free standing.

Interior price promotions can include but are not limited to signs (professionally created with brand logo or hand-written), counter or shelf displays, and hanging banners or posters.



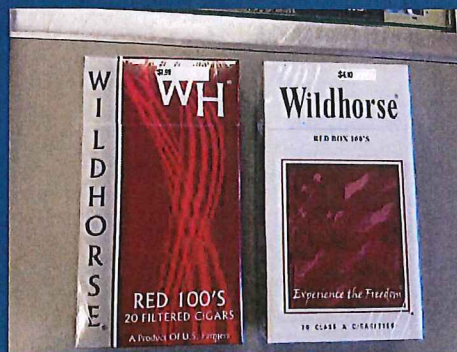
Product and Advertisement Placement

- Tobacco and tobacco advertising is sometimes placed below 3 feet (child's eye level). A majority of stores had both advertising and product displayed at child's eye level. 3 stores had tobacco placed within 12 inches of candy and gum.



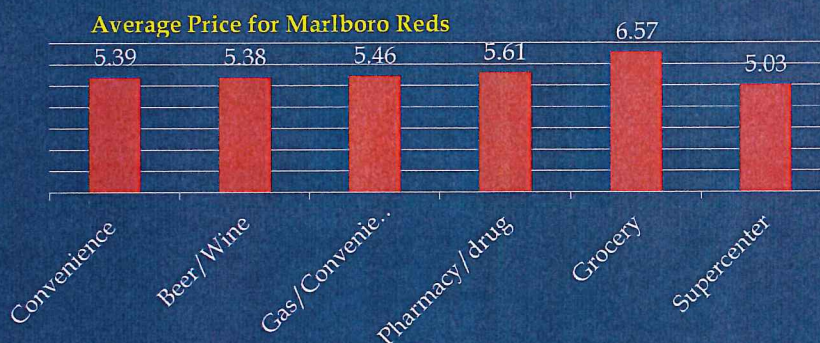
Other Tobacco Products

- Products on the market in addition to cigarettes and smokeless tobacco. Examples are little cigars and cigarillos and electronic cigarettes and accessories.
- Lower tax than traditional cigarettes
- Can be sold in quantities smaller than 20 or individually.
- Frequently come in candy or fruit flavors.



Price Comparison

- Prices were fairly consistent, generally with convenience stores being the least expensive and traditional grocery stores being the most expensive.



FDA Compliance

FDA Compliance Questions on the surveys:

- Are flavored cigarettes available (other than menthol)?
- Any labels with "light" "low tar" or "mild"?
- Are cigarettes sold in less than packs of 20?
- Are self-service cigarettes available?
- Is self-service smokeless tobacco available?
- Are cigarette vending machines present?
- Do smokeless tobacco packages have the new warning labels?
- Are smokeless packets sold individually – less than the full tin?
- Do smokeless tobacco advertisements have the new warning labels?

Purpose: Information only, no violations reporting.
Results: 97% compliance with FDA Regulations

Audit Highlights

STAYTON

- Highest concentration of tobacco retailers to population (1:859).
- Higher than average number of stores with interior price promotions and tobacco advertising and product at child's eye level.
- One or more retailers with self service displays of candy or fruit flavored single little cigars (violation of federal law).

WOODBURN

- Fewest percentage of retailers with branded tobacco advertising below 3 feet
- Fewest number of stores with exterior advertising and interior cigarette price promotions
- Fewest number of stores selling candy or fruit flavored single little cigars or cigarillos

Audit Highlights, cont.

SILVERTON

- Fewest number of tobacco retailers (7)
- No retailers displaying tobacco within 12 inches of gum or candy
- No retailers selling self-service candy or fruit flavored cigars or cigarillos

KEIZER

- Lowest concentration of retailers to population (1:2049)
- Highest number of retailers with
 - Branded tobacco advertising below 3 ft
 - Tobacco displayed within 12 inches of gum or candy
 - Candy or fruit flavored single little cigars or cigarillos sold

What We Know

20.1% of 11th graders and 6.9% of 8th graders reported using tobacco within the past 30 days. (Source Oregon Healthy Teens Survey)



Marion County Healthy Corner Store Initiative

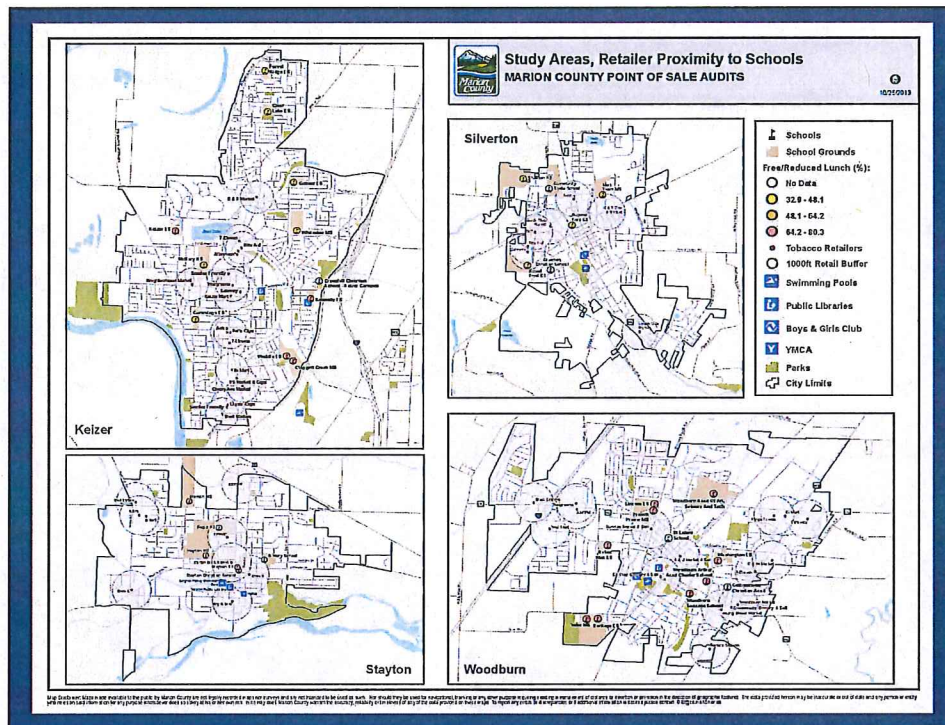
- 30% of customers surveyed indicated they use tobacco
- 60% of customers surveyed said they were concerned or very concerned about youth buying tobacco
- 65% of customers agree or strongly agree that businesses should be required to have a license to sell tobacco

Point of Sale Data ALL 7/2013	Audited Cities Total	Woodburn	Keizer	Silverton	Stayton
Tobacco Retailer Concentration Marion County Overall 1:1374	1:1598	1:1353	1:2049	1:1332	1:859
Total number of retailers audited	52	18	18	7	9
Parking lot or other exterior advertising	59%	50%	55%	85%	65%
Stores with interior cigarette price promotions	73%	50%	88%	57%	100%
Stores with interior smokeless tobacco price promotions	46%	44%	44%	14%	77%
Average price of Marlboro Red	\$5.57	\$5.24	\$5.52	\$5.65	\$5.89
Average Price of Newport Green	\$6.31	\$6.43	\$6.50	\$5.79	\$6.52
Average Price of Camel Snus	\$5.19	\$5.25	\$5.22	\$4.99	\$5.33
Average Price of Single Flavored Little Cigar or Cigarillo	\$1.13	\$1.33	\$.98	\$1.07	\$1.16
Any branded tobacco advertising below 3 feet?	61%	27%	83%	71%	77%
Any tobacco displayed at child's eye level (below 3 feet)?	67%	44%	88%	42%	88%
Any tobacco displayed within 12 inches of gum, candy or mints?	23%	11%	50%	0	11%
Candy or fruit flavored single little cigars or cigarillos sold?	60%	22%	94%	28%	88%
Self-service candy or fruit flavored single little cigars or cigarillos sold?	7%	5%	10%	0	11%
E-cigarettes or refills sold?	58%	55%	66%	42%	76% (8)





2014 update on e-cigarettes:

80% (42) 78% (15) 88% (16) 71% (5)

7



E-Cigarettes:

- Lack of manufacturing standards for batteries or materials (not necessarily food grade plastic or metal components)-have been cases of batteries exploding and injuring the user
- E-cigarette use doubled among U.S. middle and high school students from 2011-2012
- 1 in 5 high school students who are current e-cigarette users are not conventional cigarette smokers *Source: CDC
- Reports from Colorado and California of youth using THC oil in vape pens.

Next Steps

- TPEP staff will analyze data for significant findings and identify any additional data needed, then identify locations that may have a greater need for tobacco policy work.
- Share information with stakeholder groups.
- 2014-15 TPEP Workplan requires TPEP to identify a target community or communities and Tobacco Retail License policy option and begin working on it.

TPEP will work with identified stakeholders to determine the appropriate course of action based on community need and data collected. Examples of community stakeholders are:

Business groups	Law enforcement
Parent organizations	Faith community
Neighborhood groups	Latino community
Youth organizations	General public
City staff	Non-profit organizations
Health care industry	Policy / decision makers