

## **Frequently Asked Questions**

### **Program Element (PE) 76: Local Administration of Statewide Tobacco Retail Licensing (TRL)**

Local programs have the choice to opt into PE 76, which provides funding for local activities related to administering and enforcing Oregon commercial tobacco retail laws.

#### **Q: If a local program decides to opt into PE 76, what is expected?**

**A:** Local programs will be responsible for conducting two annual inspections for each retailer in their county: Minimum Legal Sales Age (MLSA) and Compliance Inspections, as well as any potential follow-up compliance inspections. In addition, local programs will be notified if there is a public complaint logged with one of the retailers in their county and must conduct the appropriate inspection within 60 days. Inspection data will be entered into HealthSpace, an online database maintained by the state TRL program.

Local programs will be trained by Oregon TRL staff and must adhere to statewide inspection procedures.

#### **Q: What compensation will local programs receive to do the work?**

**A:** Local programs will receive a flat rate of \$380 per each retailer to perform all annual inspections (one MLSA, one compliance inspection, and any necessary follow-up inspections per retailer). Payments are provided after all scheduled inspections are complete. Local programs will also be responsible for responding to any valid public complaints within 60 days regarding retailers not following state and federal tobacco sales laws. There are no additional funds distributed for complaint inspections.



**Q: Are local programs able to impose their own local procedure?**

**A:** [ORS 431A.190](#) states that regulation of the retail sale of tobacco products and inhalant delivery systems must be administered and enforced consistently throughout the state. This means that both OHA and local programs will be following the same protocols and will not be adapting them at the local level. If a locality has more protective local standards for tobacco retail sales, those standards must be enforced with local funds.

**Q: Can TRL PE 76 be an extension of a local program's Tobacco Prevention Education Program (TPEP) workplan?**

**A:** PE 76 is a separate program and is not an amendment to the PE 13 TPEP workplan. These two funding sources and associated activities must be separate. TPEP staff may not use TPEP funds to conduct any activities that fall under PE 76 once inspections begin on July 1, 2023.

**Q: Considering TRL PE 76 is a separate funding source than PE 13, and PE 76 funds are distributed quarterly and after the inspections occur, how do we fund this work before the first quarterly installment?**

**A:** Through June 2023, local programs may prepare for TRL enforcement in any way that is best for their community and capacity. Local programs can work with their HPCDP Community Programs Liaison to integrate PE 76 preparation activities into their current TPEP workplan, ending June 30, 2023. All PE 13 TPEP and PE 76 TRL activities must be separately funded through their respective program element beginning July 1, 2023.

**Q: Can local programs opt to use Ballot Measure 108 funds to implement TRL PE 76?**



**A:** No, Ballot Measure 108 cannot be used to frontload this work. Ballot Measure 108 funds have a separate workplan focused on equity and do not include TRL. As stated above, PE 13 funds may be used by local programs opting into PE 76 to prepare for TRL enforcement.

**Q: Are there specific qualifications for hiring TRL inspectors?**

**A:** There are no mandated qualifications for hiring TRL inspectors. OHA can share position descriptions for the OHA TRL Compliance Specialist 3s and young adult inspectors, as well as interview questions, if helpful. Reach out to Sarah Wylie [sarah.a.wylie@dhsosha.state.or.us](mailto:sarah.a.wylie@dhsosha.state.or.us), Oregon TRL Program Manager, if interested.

**Q: How many hours per week should be budgeted for this position?**

**A:** Hours budgeted for each local program depends on the number of retailers, type of retailers, retailer location, and inspection type. For MLSA, approximately 10-15 minutes per inspection is reasonable, but if a sale is made and the retailer has many questions, it could take up to 30 minutes. If retail locations are in closer proximity, approximately 20 inspections may be completed in one day. However, if retailers are far apart in distance, fewer inspection will be completed.

For Compliance Inspections, OHA is still determining how long these will take on average. We recommend starting by budgeting 20-30 minutes per retailer, not including travel time and planning. Some variables to consider include the type of retailer. For example, it may take longer to find the person in charge when inspecting large chain stores, where smaller stores and bars will have quicker inspections. We anticipate re-check visits will take only 5-10 minutes.

**Q: Can MLSA and Compliance Inspections occur on the same date?**

**A:** This is a decision each local program can determine based on their operations. OHA has chosen to conduct these inspections on separate dates due to logistics, safety factors, and efficiency since young adult inspectors will only participate in the MLSA inspections. If both



inspections occur on the same date, young adult inspectors would be waiting long periods of time in the car for the compliance inspections to take place at each retail location.

**Q: How are inspections submitted to Oregon Health Authority?**

**A:** OHA is building a data collection and management system using HealthSpace. This will be available to local programs by the time PE 76 is active in July 2023. OHA will offer training on how to access and use HealthSpace prior to beginning inspections.

**Q: Will complaints be routed through HealthSpace?**

**A:** Yes. Complaints will come in through the complaint form in HealthSpace. Once the complaint has been reviewed by OHA staff and determined to be a valid TRL complaint, it will be assigned to the corresponding local program. Once routed to the correct local program, they will be responsible for responding to the complaint within 60 days, as outlined in the inspection protocols. OHA will respond to the complaint source to let them know that their complaint has been received and, if valid, is being addressed.

**Q: What can local programs expect for support and training?**

**A:** OHA will be available to help local programs understand their role at the local level, discuss staffing questions, and provide training on how to complete inspections. OHA can share tips for hiring, tips for working with young adult inspectors, provide access and training on how to use HealthSpace, and provide local programs with educational materials for retailers. Local programs will also have access to OHA Compliance Specialists for training, shadowing, ongoing mentorship and technical assistance, and training on specific inspection protocols.

Aside from initial mandatory training sessions, OHA will continue to hold mandatory biannual meetings and periodic optional sessions to discuss any changes to protocols and discuss quality improvement opportunities. Local programs will have continuous access to OHA TRL staff to assist with any technical assistance needs.



**Q: What happens if local programs are unable to complete all the required inspections?**

**A:** Compensation for inspections is dependent on inspection completion. Local programs will receive \$380 per retailer annually, after all required inspections (one MLSA and one compliance, with any associated follow-up inspections) are completed. If inspections are not completed and invoiced, the local program will not receive compensation. If local programs are unable to meet the PE 76 requirements for conducting inspections, the local program may not be able to continue with PE 76 and these inspection obligations will be returned to OHA.

**What steps need to be taken if a local program would like to opt in?**

**A:** If your local program is interested in opting into PE 76, the Local Public Health Administrator must notify the Statewide OHA TRL program by January 31, 2023. Please contact [sarah.a.wylie@dhsosha.state.or.us](mailto:sarah.a.wylie@dhsosha.state.or.us)

### **Contact us:**

For general questions regarding PE 76, please contact Annie Masuda at [anne.masuda2@dhsosha.state.or.us](mailto:anne.masuda2@dhsosha.state.or.us)