

Effective and Innovative Local Licensing Ordinances

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Enforcement is the key:

- A strong ordinance on paper is useless without enforcement
- Licensing is about enforcement:
 - Enforce *all* tobacco laws
 - Fund enforcement with the license fee
 - Put enforcement procedures (e.g., hearings) in the hands of those who care about enforcement

Effective Local Licensing Needs:

Well-planned enforcement

1. Meaningful penalties
2. Additional legal requirements
 - Fill the gaps in local laws

1. Plan for **Enforcement**

- Annual **fee should fund enforcement** and administration
 - Fund enforcement of sales to minors and fund enforcement of other tobacco laws
- Establish a minimum level of enforcement
 - Specify number of compliance checks in law
- Clearly designate the enforcement agency

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Plan for Enforcement

(cont.)

- Use an informal administrative hearing
 - lower standard of proof and harder to appeal
- Provide back-up methods of enforcement:
 - police/sheriff
 - code enforcers
 - city attorney/DA
 - health department
 - private citizens / small claims court

2. Provide Meaningful Penalties

- 5 year look-back period
 - ignore violations beyond that period
 - Note: even an infinite lock-back period should be legal
- Make a violation of *any* tobacco law a violation of the license
- Suspension for first violation
- Revocation for third or fourth violation

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Provide Meaningful Penalties

(cont.)

- Multiple and cumulative penalties
- Give multiple enforcement options:
 - civil fine
 - criminal sanction (misdemeanor/infraction)
 - private citizen penalty
 - violation is a public nuisance
 - violation is an unfair business practice

3. Additional Legal Requirements

- There are a variety of tobacco control options available to a community in addition to tobacco retailer licensing.
- Licensing can be used to impose a number of those additional requirements by incorporating such requirements within the licensing law itself.

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Additional Legal Requirements

(cont.)

- Examples:
 - Ban mobile vending
 - Ban self-service displays for all tobacco
 - Set a minimum clerk age
 - Require ID check for ALL tobacco sales
 - Impose a smoke-free zone around store doorways

Innovations: Beyond the Basics

- Examples:
 - Ban tobacco *advertisements* in stores without licenses or with suspended licenses
 - Prohibit bars and restaurants from selling tobacco
 - Ban new significant tobacco retailers
 - Permit *anyone* enforce the law in small claims court