



TOBACCO RETAIL LICENSING PROGRAM (TRLP) COMPLIANCE PLAN 2024-2025

June 27, 2024



AGENDA

- Compliance Monitoring
- Annual Compliance Checks
- Minor Decoy Operations
- Violations and Penalties
- Compliance Timeline
- Questions & Answers
- Contact Information
- Thank You for Attending!





COMPLIANCE MONITORING



WHAT IS COMPLIANCE MONITORING?

Compliance monitoring is the process of verifying adherence to laws and regulations.

For the County of San Diego's unincorporated area, the Tobacco Retail Licensing Program (TRLP) is responsible for verifying adherence to Ordinance No. 10699 by tobacco retailers.



WHY DOES THE TRLP MONITOR FOR COMPLIANCE?

The Tobacco Retail Licensing (TRL) Ordinance requires the TRLP to conduct Annual Compliance Checks and Minor Decoy Operations (MDOs), also known as Youth Decoy Operations; both are considered compliance efforts.

SEC. 21.2607. COMPLIANCE MONITORING.

(a) Compliance with this chapter shall be monitored and may be enforced by the Issuing Officer, persons designated by the Issuing Officer, or any other person authorized by law.

(b) The Issuing Officer, or designee, will both inspect each tobacco retailer and conduct a youth decoy operation at least once per 12-month period, and additionally as warranted. Nothing in this paragraph shall create a right of action for any tobacco retailer, or any other person against the Issuing Officer, the County, or its agents.





ANNUAL COMPLIANCE CHECKS



WHAT ARE ANNUAL COMPLIANCE CHECKS?

Compliance checks are on-site visits to tobacco retail locations to assess adherence to local laws and regulations.

Compliance checks are performed by Code Enforcement Officers (CEOs) and are unannounced.

Compliance checks occur at least once a year, or annually, unless additional checks are required.



WHAT SHOULD I EXPECT DURING A COMPLIANCE CHECK?

- A Code Enforcement Officer (CEO) will arrive and inform the staff member and/or retailer present that they are conducting a Compliance Check.
- The CEO will spend approximately 30 minutes checking that the retail store is abiding by the requirements in the TRL Ordinance. Visits may take longer as needed.
- A checklist will be used to note any findings.

WHAT SHOULD I EXPECT DURING A COMPLIANCE CHECK?

- The CEO and retailer may discuss items or findings during and after the visit. Retailers are encouraged to ask CEOs questions about any tobacco products they have on sale.
- A copy of the checklist with the findings will be left with the retailer at the end of the visit; an email will also be sent with this information to the Point of Contact listed on the TRL Application.

WHAT WILL CEOs LOOK FOR?

Code Enforcement Officers (CEOs) will look for Ordinance requirements including, but not limited to:

- Tobacco products that are not properly packaged or priced
- Flavored tobacco products
- Discounts and/or coupons offered for tobacco products



WHAT WILL CEOs LOOK FOR?

- A list of the items that CEOs look for can be found on the Compliance Checklist, which can be viewed [here](#) on the TRL Website.
- If no violations are identified during a Compliance Check, the retailer will be informed via regular mail and email that they have been found in compliance at the completion of the visit.
- Additional inspection information can be found [here](#).

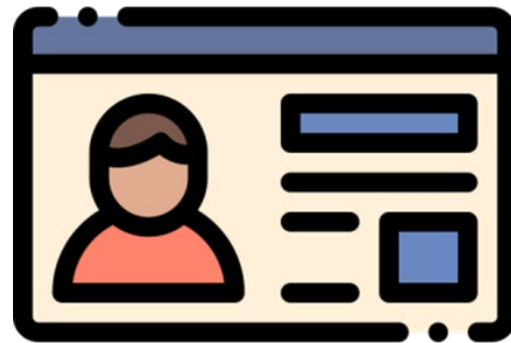
WHAT HAPPENS IF THERE IS A VIOLATION?

- If the CEO identifies any violations, they will inform the retailer and share how each violation can be addressed.
 - Some violations can be Corrected On Site.
- A Compliance Notice will be given to the retailer that includes the violations observed as well as the amount of time the retailer has to fix the violations. An additional Compliance Visit will then occur within 7 to 30 business days.
- If violations are not corrected, the retailer may receive one or more fines and/or have their license suspended or revoked.





MINOR DECOY OPERATIONS



WHAT ARE MINOR DECOY OPERATIONS?

- Minor Decoy Operations (MDOs) are visits that are completed by individuals ages 18-20.
- Visits are meant to identify retail locations that are illegally selling tobacco products to adult minors.

WHAT SHOULD I EXPECT DURING AN MDO?

- The Minor Decoy will enter the store and request to purchase a tobacco product. The decoy may initially enter alone or with an adult supervisor. The adult supervisor will always be present to observe a transaction.
- The Minor Decoy will say “yes” if asked if they are 21 years of age or older; they will **not** deny their age and will show an ID if asked for it.



WHAT SHOULD I EXPECT DURING AN MDO?

- The Minor Decoy will leave the store once the sale is completed.
- Confirmed sales are communicated via regular mail and email to retailers within 45 days of the sale to ensure the safety of the Minor Decoy's identity.

WHAT WILL MINOR DECOYS LOOK FOR?

- Per County Code SEC 21.2603 (f), "No person engaged in tobacco retailing shall sell a tobacco product to another person who is under the age of **30 years** without first examining the identification of the recipient to confirm that the recipient is at least [21]."
- Minor Decoys will report if they were asked for their ID during an attempted sale.
- Minor Decoys will also look for other ordinance violations such as presence of flavored tobacco products, posting of the County's TRL, etc.



WHAT HAPPENS IF THERE IS A CONFIRMED SALE DURING AN MDO?

- If a retailer or store clerk sells tobacco products to a minor, they will receive a Notice of License Suspension via mail and email.
- If a retailer or staff continues to sell tobacco products to minors, they may have their license suspended for extended periods of time and may have their license revoked.



VIOLATIONS AND PENALTIES



WHAT HAPPENS IF VIOLATIONS ARE FOUND?

- Penalties are assigned depending on the violations that are identified during a visit. Penalties for violations found during a compliance visit may include:
 - Fines/Citations
 - License Suspensions
 - License Revocation
- Penalties for selling tobacco products to minors include:
 - License Suspensions
 - License Revocations

Retailers have the right to [appeal](#) any penalty or citation they receive.





COMPLIANCE TIMELINE



WHEN WILL VISITS OCCUR?

- Currently, the TRLP plans to conduct unannounced compliance visits for all tobacco retailers starting in July 2024. Future visits will occur on at least an annual basis or as warranted.
- Minor Decoy Operations occur throughout the year at retail locations selected at random.

QUESTIONS & ANSWERS

- If you would like to speak, please raise your hand by clicking on the hand icon at the top of the screen.
- When we call on you, you can unmute yourself by right-clicking the mic icon in the upper right corner of your screen and selecting “unmute.”
- Please introduce yourself and then make your comment.
- You can also:
 - Chat questions or comments in the chat box
 - Email comments or questions to:
 - PHS-TRLApplications.HHSA@sdcounty.ca.gov



CONTACT INFORMATION



Tobacco Retail Licensing Program



<https://www.sandiegocounty.gov/hhsa/tobacco/>



PHS-TRLApplications.HHSA@sdcounty.ca.gov



(833) THE-TRLP or (833) 843-8757



The Public Health Services department, County of San Diego Health and Human Services Agency, has maintained national public health accreditation, since May 17, 2016, and was re-accredited by the Public Health Accreditation Board on August 21, 2023.





THANK YOU FOR ATTENDING!

