

Tobacco 21 Education and Implementation Overview

Raising the minimum legal sale age for tobacco from age 18 to 21 will have a substantial positive impact on public health and will save lives. To be effective, education, implementation and enforcement will be critical elements in the City of San Antonio's Tobacco 21 (T21) initiative and Ordinance. The Ordinance will take effect nine months after passage. The San Antonio Metropolitan Health District (Metro Health) will focus its efforts, on T21 education throughout the San Antonio community and providing signage and resources to tobacco retailers. The information and resources will require minimal funds supported by Metro Health's current operating budget.

T21 Education (January – September 2018)

Metro Health will collaborate with the San Antonio Tobacco 21 Coalition, the San Antonio Council on Alcohol and Drug Abuse (SACADA), Tobacco Retailers and others such as the Region 20 Education Service Center, local school districts, charter & private schools, and other City of San Antonio departments, including Parks and Recreation, Human Services, Library, and the Office of Equity, to provide T21 education in the San Antonio community.

Tobacco Retailer Education:

- In the first nine months of passage of a T21 Ordinance, tobacco retailers will receive education and resources to comply with T21.
- Retailers will be able to participate in an educational session on T21 and the local Ordinance.
- Retailers will receive signage from Metro Health at no cost to comply with the T21 Ordinance to display in their establishments.
- Retailers will receive T21 information from Metro Health at no cost to train their employees on the new minimum sale age, types of tobacco products listed in the Ordinance, fines, and a listing of local tobacco cessation programs.
- Those selling tobacco products will be required to maintain the current standard of verifying the age of people wanting to purchase tobacco products who appear to be under the age of 27.
- Retailers will also be able to download T21 information from the City of San Antonio's Metro Health website, www.sanantonio.gov/health.

Youth & Families:

- City of San Antonio departments who work with youth and families will provide them with bilingual information on T21.
- San Antonio youth focused institutions and organizations will receive bilingual T21 educational information to share with the youth and families they serve.
- Organizations will be encouraged to include T21 information in their tobacco prevention curricula and prevention programs.
- Youth focused institutions, organizations, parents and youth will be able to download T21 information from the City of San Antonio's Metro Health website.
- T21 information will also be disseminated via Social Media.

T21 Implementation Philosophy

The overarching philosophy for implementation of this Ordinance is education and partnership with retailers to achieve compliance with the new sale age. As well, the implementation philosophy emphasizes educating youth about the dangers of tobacco addiction and access to tobacco cessation services. Retailers and youth will be educated about the new law and every effort will be made for retailers to achieve voluntary compliance. However, for those retailers who fail to comply with the Ordinance, the following processes will apply as outlined below (please also see a flow chart 1 beginning on page 3 of the implementation and enforcement processes). According to the Texas Comptroller's Office, currently less than 10% of retailers sell to underage individuals, but non-compliance is unacceptable given the addictiveness of tobacco and the health consequences to youth.

Enforcement Authority

Principal enforcement of the proposed T21 Ordinance will be by Metro Health's Sanitarians. Currently Metro Health Sanitarians have the capacity to fulfill the T21 enforcement authority role since the majority of tobacco retailers already receive a routine inspection once per year. The addition of a T21 compliance check to verify T21 signage and training requirements will add minimal time to the current routine inspection. In addition, any person may register a complaint with the City of San Antonio by calling 311 to report violations of this Ordinance. Metro Health Sanitarians also currently follow up on complaints made by the community through the 311 process. If fines for violations of the Ordinance generate additional revenue, it will be collected by the General Fund.

Retailers:

Signage and Training Compliance (Beginning October 1, 2018)

- If a violation is identified during an education visit after the nine month education period, the tobacco retailer will be issued a warning and asked to immediately rectify the violation (i.e., post appropriate signage) and information will be forwarded to the Metro Health Sanitarians.
- The Metro Health Sanitarians will subsequently conduct an unannounced compliance visit within 30 days of the violation to verify that signage and/or training violations have been corrected.
- Continued violations will result in a citation.

Tobacco Sales to Under 21 Compliance (Beginning January 1, 2019)

- If the retailer is suspected of selling tobacco products to minors (either due to 311 complaints or signage and/or training violations), Metro Health may check compliance by sending in a person under 21 to see if the retailer will sell to them.
- At least once per year, Metro Health will coordinate sales compliance checks in retail establishments based upon received complaints and simple random sampling. Metro Health will use random sampling to select 10 retailers from each Council District.

- If a tobacco retailer violates the T21 Ordinance by selling to a person under the age of 21, the Metro Health Sanitarian will issue a citation.
- The penalty for the sale of tobacco products to someone under 21 years of age is a maximum fine of \$500.

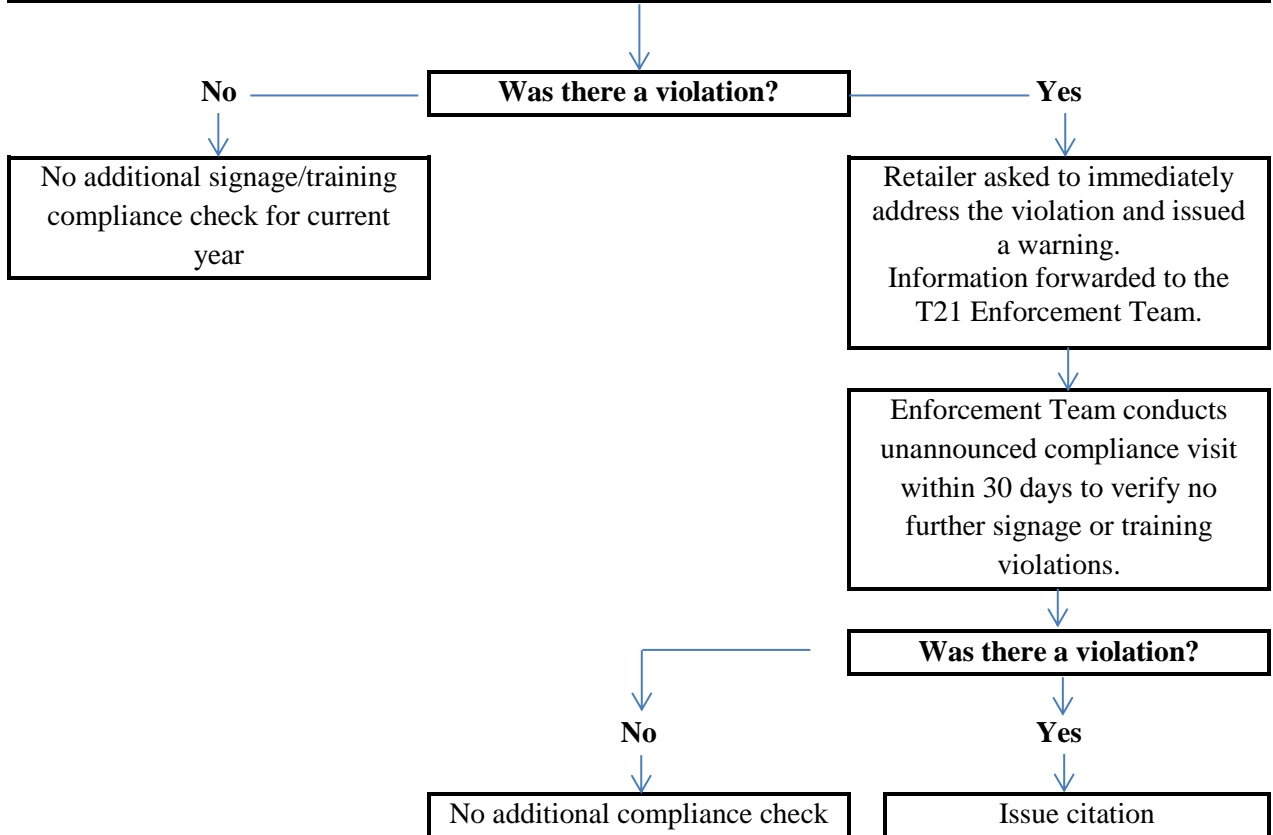
Chart 1: T21 Implementation and Enforcement Processes

Community and Retailer Education (January – September 2018)

- Metro Health will collaborate with stakeholders and partners to provide T21 education throughout the San Antonio community.
 - Metro Health will provide signage, training and additional resources to tobacco retailers.

Signage and Training Compliance (Beginning October 1, 2018)

Metro Health and tobacco education staff through community partners will conduct T21 compliance checks to verify signage and training through routine visits to tobacco retailers.



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Tobacco Sales to Under 21 Compliance (Beginning January 1, 2019)

Sales compliance checks are done by the Metro Health Sanitarians who will monitor the sale of tobacco to a person known to be under the age of 21.

Retailers are selected for Tobacco Sales enforcement through:

- 311 complaint process
- Signage and training violations
- Simple random sampling (10 retailers per Council District per year)

