



Healthy Communities Office  
Jorge O. Elorza Mayor | City of Providence

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**Remarks from  
Providence Healthy  
Communities Office  
Director**



CITY OF PROVIDENCE  
Jorge O. Eiorza, Mayor

January 2017

Dear Tobacco-Free Community Partner,

On behalf of the City of Providence's Healthy Communities Office and the Mayor's Substance Abuse Prevention Council, I'm excited to share the Providence Tobacco Point of Sale Toolkit.

Point of Sale includes any location where tobacco products are advertised, displayed, and purchased. Given that the majority of tobacco products are bought in stores, Point of Sale strategies play a key role in reducing tobacco access and use, particularly amongst youth. The City of Providence has made significant progress in implementing tobacco prevention policies over the past few years including a municipal licensing requirement; and bans on flavored tobacco sales, single/"loosie" sales, and multipack coupon redemption. In order to be effective, these policies must also be combined with comprehensive and ongoing enforcement and education strategies.

This Tobacco Point of Sale Toolkit is designed to provide our tobacco-free community partners with information about Providence's strategies and processes to limit the sale, display, and advertising of tobacco products in the retail environment. While every city and town is unique, we hope that this Toolkit serves as a general reference guide for how we can all work together to reduce access to tobacco products in the retail environment and help support a healthier Rhode Island.

Thank you to the Rhode Island Department of Health for their support in developing this Toolkit and please feel free to contact the Healthy Communities Office with any questions.

Regards,

A handwritten signature in cursive script that reads "Ellen Cynar".

Ellen Cynar, MS, MPH  
Director, Healthy Communities Office  
City of Providence

**HEALTHY COMMUNITIES OFFICE**

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**RI Department of  
Health Tobacco  
Retail Licensing and  
Enforcement  
Background**



**Rhode Island Department of Health**  
Three Capitol Hill  
Providence, RI 02908-5094

[www.health.ri.gov](http://www.health.ri.gov)

## **Guidance for Rhode Island Community Partners:**

### **How Tobacco Control Enforcement Can Restrict & Protect Youth from Tobacco Harms**

#### **Background**

Rhode Island is recognized as an innovator and leader in tobacco-control practices that protect our youth from tobacco exposure, addiction, severe tobacco-related illnesses, and premature death. In March 2015, the Rhode Island Department of Health (RIDOH) received \$468,000 of federal funding to conduct an in-depth evaluation of locally-based tobacco control policies and practices within the state aimed at preventing youth access to tobacco products.

As a result, select Rhode Island municipalities are receiving technical assistance from RIDOH to educate and inform communities about the benefits of local tobacco retail licensing policies with enforcement measures that address tobacco retail point-of-sale (POS) practices happening within their communities. The “Rhode Island model policy” that has been shared with communities includes escalating penalties up to tobacco retail license revocation—with locally collected fees reinvested into the community to sustain local law enforcement of tobacco policies.

Smoking remains the leading preventable cause of death and disease in the United States. There are more tobacco-related deaths than cardiovascular disease, chronic obstructive lung disease, and lung cancer related deaths combined.<sup>i</sup> In Rhode Island, about 1,800 people die each year from a tobacco-related illness.

Most adult lifelong smokers started using tobacco in their youth. Nearly 9 out of 10 cigarette smokers first tried smoking by age 18, and 99% first tried smoking by age 26.<sup>ii</sup> Nicotine is the drug in tobacco that causes addiction.<sup>iii</sup> A 2007 study in the Archives of Pediatric and Adolescent Medicine found that some youth experience tobacco dependence within a day of first inhaling.<sup>iv</sup> Research also suggests that youth who otherwise would not smoke conventional cigarettes may begin using e-cigarettes as a gateway to start using deadly combustible tobacco products and keep smoking through adulthood.<sup>v</sup>

Every effort should be made to restrict youth from accessing all tobacco and nicotine products. The U.S. Centers for Disease Control and Prevention (CDC) supports strategies that include high tobacco prices and taxes, as well as limiting youth access to products to reduce youth tobacco use.<sup>vi</sup> Strengthening policies that reduce youth access to all tobacco or nicotine products, not just cigarettes, is an evidence-based strategy.<sup>vii</sup>

## Availability of emerging tobacco products to teens

Although youth cigarette smoking has steadily declined across the United States, use of emerging tobacco or nicotine products—most notably e-cigarettes and hookah—has substantially increased.<sup>viii</sup> In 2015, 25.3% of U.S. high school youth were currently using at least one tobacco product.<sup>ix</sup> E-cigarettes were the most commonly used product (16.0%), surpassing all other products including cigarettes (9.3%), cigars (8.6%), hookah (7.2%), and smokeless tobacco (6.0%). Increased use of emerging products has essentially canceled out nationwide successes in reducing cigarette use, resulting in no change in overall tobacco use among youth.<sup>x</sup>

Consider Youth Tobacco Use in Rhode Island:

- Current cigarette use among **all RI high school students** declined from 8.0% in 2013 to 4.8% in 2015—one of the lowest youth smoking rates in the country.
- Despite that fact, in 2015 approximately 1-in-4 RI high school youth (25.1%) reported current use of any tobacco/nicotine product (cigarettes, hookah, cigars, smokeless tobacco products, or e-cigarettes).
- Among **all RI high school students** e-cigarettes were the most commonly used tobacco/nicotine product (19.3%), followed by hookah (11.8%), cigars (8.4%), smokeless (5.3%), and cigarettes (4.8%).<sup>xi</sup>
- About 1-in-5 (20.7%) **non-cigarette smoking** RI high school students reported current use of at least one other tobacco or nicotine product. E-cigarettes (15.3%) were the most commonly reported product used among non-smoking youth. Hookah use (9.2%) was the second most commonly used product, followed by cigars (4.4%) and smokeless tobacco (2.3%).
- Of those **non-cigarette smoking** youth who said they used only one product (12.6%), the most commonly used product was e-cigarettes (60.2%), followed by hookah (26.8%). Some youth reported using two or more types of tobacco/nicotine products. Of adolescents using 2 products (8.1%), e-cigarettes (95.1%) were most common, followed by hookah (68.6%).<sup>xii</sup>

## How retail point-of-sale strategies can protect youth from tobacco use & nicotine addiction

Any location where tobacco and nicotine products are displayed, advertised, and purchased is considered “retail point of sale”. Examples are:

- Convenience stores
- Food markets
- Pharmacies
- Liquor stores
- Gas stations
- Smoke shops
- Small and big box stores

Point-of-sale tobacco marketing practices, retail product availability, and emerging tobacco products that appeal mainly to youth threaten tobacco control gains made in Rhode Island to deter kids and teens from smoking cigarettes and accessing other tobacco products harmful to youth. Point-of-sale tobacco sales practices also have the potential to erode social norms that deter youth from trying tobacco products and starting smoking.

Rhode Island General Law prohibits retail sales of tobacco products to anyone under age 18. Still, 28% of Rhode Island youth who smoke reported in 2013 that they were able to buy tobacco products on their own in a retail environment. This was the highest “self-reported youth buy rate” in the nation.

Lack of enforcement and lack of resources for enforcement are often cited as challenges to preventing illegal tobacco sales to youth. Other contributing factors are widespread availability of “kid-friendly” tobacco products, aggressive in-store marketing and advertising tactics that appeal mainly to youth, and scarce public and private funds to provide equally effective “counter marketing” health education and information to kids, teens, and parents on the dangers of all tobacco and nicotine products.

Youth are receiving a one-way conversation about tobacco products within retail environments without fully understanding potential health risks and harms.

Consider these facts:

- The tobacco industry spends billions of dollars each year on advertising and promotions where tobacco and nicotine products are displayed, advertised, and purchased.
- In 2012, the industry spent \$9.17 billion on point-of-sale marketing—roughly \$25 million daily or more than \$1 million every hour.
- In recent years, e-cigarette advertising expenditures have increased dramatically in the United States—from about \$6.4 million in 2011 to \$115 million in 2014.
- Approximately 68.9 percent (more than 18 million) of U.S. middle school and high school students were exposed to at least one source of e-cigarette advertising in 2014.
- In addition, the tobacco industry uses coupons, discounts and pricing strategies to tempt youth and low-income groups that are more likely to take advantage of product discounts at retail point of sale.

### **Enforcement program benefits**

According to the CDC’s 2014 Best Practices for Comprehensive Tobacco Control Programs, state and community interventions for preventing tobacco use among youth should include: “stronger local laws directed at retailers, active enforcement of retailer sales laws, and retailer education and reinforcement”.

There are benefits to requiring and enforcing a local tobacco retail license (TRL) in Rhode Island:

- Communities have a powerful compliance and enforcement tool to support tobacco-related regulations, including no-sales to minors’ laws.
- Communities can reinvest locally collected fees into local enforcement efforts.
- Each individual community may identify and maintain a listing of all local tobacco retailers through annual license renewals.
- Merchant education regarding the rules and regulations for tobacco sales can be provided and updated to all licensed vendors.
- Communities can put in place retail point-of-sale policies that aim to restrict youth access to tobacco products. For example, the City of Providence prohibits tobacco product discounting and flavored tobacco products because each retail point-of-sale practice is linked to tobacco product appeal and affordability for youth.
- Municipalities, youth advocates, and parents have an avenue for addressing sales of emerging tobacco products that youth tobacco users find appealing.



- Tobacco products with limited regulations at the federal level, such as e-cigarettes and vaping products, can be addressed based on local data, evidence-based tobacco control strategies, and local concerns.
- Tobacco product displays and placements can be restricted away from where children and teens shop. For example, products can be kept out of view and/or restricted to behind sales counters.
- Placing restrictions on retailer density and zoning can limit youth exposure and access to tobacco products.

### **Key state & local partnerships**

Protecting children from the risk of smoking by reducing youth access to tobacco products can be accomplished through local tobacco retail licensing policies. Tobacco enforcement programs can be most effective when evidence-based, while addressing local needs and involving state and local community partners.

Key elements to a comprehensive approach include:

- Engaging and funding police and law enforcement agencies to help reduce the percentage of retailers that engage in illegal youth tobacco sales
- Partnering with state agencies such as the Department of Behavioral Health Disabilities and Hospitals (BHDDH), which has jurisdiction over federal and state retail education and compliance programs
- Instituting local licensing laws in concert with interested community constituencies, such as local substance abuse task forces

High rates of illegal tobacco sales to minors have been reported unless retailers perceive there is a high risk of being caught and penalized. This was evident in two California communities where before-and-after youth sales rate data was collected as tobacco retail sales policies were implemented. In Coachella, California, youth access to tobacco rates dropped from 69% to 11% after an annual retailer license fee (\$350) was put in place in 2007. Similarly, in the City of Elk Grove, California, youth access rates dropped from 17% to 0 when a \$270 license fee was instituted in 2004. California now boasts more than 110 local ordinances that require retail licensing with fees and enforcement in both rural and urban areas. For more resources on these ordinances, including the Matrix of Strong Local Tobacco Retailer Licensing Ordinances with policy and enforcement details for every strong ordinance in the state, visit [www.Center4TobaccoPolicy.org/localpolicies-licensing](http://www.Center4TobaccoPolicy.org/localpolicies-licensing).

The City of Providence has led the way by instituting a multi-policy approach of putting in place a local tobacco retail license requirement with escalating fees and penalties, in concert with local bans on flavored tobacco products and discounts. By providing technical assistance to other cities and towns, Providence has created an incubator for replicating and evaluating these promising practices in other Rhode Island cities and towns.

<sup>i</sup> World Health Organization. [WHO Report on the Global Tobacco Epidemic, 2011](#). Geneva: World Health Organization, 2011 [accessed 2015 Dec 11].

<sup>ii</sup> Centers for Disease Control and Prevention. [Best Practices for Comprehensive Tobacco Control Programs—2014](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2015 Dec 11].

<sup>iii</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: Nicotine Addiction. A Report of the Surgeon General*. Atlanta (GA): U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 1988.

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<sup>iv</sup> DiFranza JR, Savageau JA, Fletcher K, et al. Symptoms of Tobacco Dependence After Brief Intermittent Use: The Development and Assessment of Nicotine Dependence in Youth–2 Study. *Arch Pediatr Adolesc Med.* 2007;161(7):704-710. doi:10.1001/archpedi.161.7.704.

<sup>v</sup> Leventhal AM, Strong DR, Kirkpatrick MG, et al. Association of electronic cigarette use with initiation of combustible tobacco product smoking in early adolescence. *JAMA.* 2015;314(7):700-7.

<sup>vi</sup> Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

<sup>vii</sup> IBID

<sup>viii</sup> Singh T, Arrazola RA, Corey CG, et al. Tobacco use among middle and high school students-United States, 2011-2015. *MMWR.* 2016;65(14):361-7.

<sup>ix</sup> US Department of Health and Human Services. The health consequences of smoking–50 years of progress. Atlanta, GA: US Department of Health and Human Services, CDC; 2014. [http://www.cdc.gov/tobacco/data\\_statistics/sgr/50th-anniversary/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/50th-anniversary/index.htm)

<sup>x</sup> Singh T, Arrazola RA, Corey CG, et al. Tobacco use among middle and high school students-United States, 2011-2015. *MMWR.* 2016;65(14):361-7.

<sup>xi</sup> Centers for Disease Control and Prevention. Youth Online. High School YRBS. Rhode Island 2015 Results. <https://nccd.cdc.gov/Youthonline/App/Results.aspx?LID=RI>

<sup>xii</sup> Larson E, Pearlman DN. Use of emerging tobacco products among adolescents who do not smoke conventional cigarettes. *R I Med J.* 2016 Jun 1;99(6):45-7.

**Tobacco Model  
Policy Overview &  
Definitions**

## Tobacco Model Policy Overview and Definitions

The attached tobacco point of sale Model Policy was developed by the RI Department of Health in consultation with local, regional, and national tobacco prevention experts. The goal was to develop a basic template policy informed by best practices that can be easily adapted by cities and towns throughout the state. The Providence Healthy Communities Office also provided input on the Model Policy based on the experience developing, passing, defending in court, and implementing our point of sale policies here in Providence.

While it differs from our current policy, Providence does recognize that the Model Policy represents the ideal approach based on what we know now about local point of sale regulations.

Key elements of the Model Policy include:

- 1. Definitions** - Significantly, the policy defines tobacco products subject to its provisions in a broad manner. It is important to be able to capture the broad range of existing tobacco products that may be attractive to youth and also to try to be broad enough to cover new products the industry may develop that do not yet exist. The history of the last several years in tobacco prevention is one where new approaches need to be constantly developed to deal with a new string of products. In general, the definitions section may seem complicated - the separate definitions for “characterizing flavor”, “constituent”, “distinguishable”, “smoke constituent”, “tobacco product”, and “flavored tobacco product” may seem confusing at first but they all serve a specific purpose. In general the point is to leave as little open to interpretation as possible so that the rules can be clearly understood without gray area by businesses, enforcement, and the adjudicating body (Board of Licenses or similar body) alike.
- 2. Establishment of a local tobacco license** - While any establishment that sells items subject to the state tobacco tax must maintain a *state cigarette license* from the RI Division of Taxation, an additional *local tobacco license* gives the City a regulatory authority vis-a-vis tobacco vendors that it would not otherwise have. In Providence, our Board of Licenses (the licensing entity may differ in different communities) regularly imposes penalties on tobacco vendors for violating local tobacco point of sale laws. In the most egregious cases, the Model Policy gives the licensing authority the ability to suspend or revoke an establishment’s local tobacco license, which probably is a much more significant deterrent to bad behavior than even large fines. Note also the important imposition of a fine for selling tobacco without a license.
- 3. Sale only at fixed location** - It is important to make clear that mobile vendors (carts, food trucks, etc.) cannot sell tobacco products. To the extent that law enforcement needs to be able to conduct compliance checks to ensure that it knows vendors are following the law, knowing exactly where all the vendors do business is important. Allowing vendors to sell on foot or by vehicle could also provide additional access to youth.
- 4. License Term** - Typically, licenses are good for a single year, and a fee is associated. The City of Providence currently charges \$100 - other communities in Rhode Island charge as much as \$250. Note that the revenue from licenses can help pay for the staff in license office, city clerk’s office, or other office that issue licenses.

5. **Underage sales and loose cigarette bans** - While state and federal law already ban the sale of “loosies” as well as sale to those under 18, putting these into a local ordinance allows your local licensing authority to impose penalties for violations.
6. **Coupon redemption and multipack discount ban** - Note that these provisions are written to ban the *redemption* or *offer to redeem* coupons or multipack discounts. The tobacco distributor or company is not being limited in its ability to distribute coupons within the city; it is a limitation on vendors to accept them. This is related to First Amendment considerations.
7. **Flavored tobacco ban** - Note the list of flavors (not laid out in this section but in the definitions) is for example only and is not all-inclusive necessarily. While some jurisdictions have imposed bans on menthol, mint, and wintergreen products, those products are exempt from the model policy ban because the federal Tobacco Control Act specifically carves those flavors out from the ban on flavored cigarettes. While a ban on menthol *non-cigarette products* would not necessarily be in conflict with that law, these exemptions were done out of an abundance of caution to help local policymakers be most confident that the policies will stand up in court.
8. **License suspensions and revocation** - The authority of the licensing entity to suspend or revoke licenses for continued misbehavior is critical. For the small number of vendors whose business strategy revolves around violating the point of sale laws, paying the fines associated with the occasional compliance check can be considered the cost of doing business. But if a business that is otherwise not interested in compliance for its own sake is worried that their ability to sell tobacco products in general can be taken away, they are more likely to take the law seriously. Section 6 is also important because it provides for regular compliance checks, and for the revenue collected from fines to serve as a funding source for those checks.
9. **Severability** - This section is important because if a court finds any individual section of your ordinance impermissible for any reason, this would allow all other sections of your ordinance to stand. There is no reason at this point that we would expect any ordinance based on the Model Policy to be rejected in any part by a court, but this is an important safeguard.

# **Tobacco Model Policy**

MODEL POLICY

AMENDING CHAPTER [ # ], [ Title ]

Be it ordained that the City of [ \_\_\_\_\_ ] amends Chapter [ # ], [ Title ]:

**SECTION 1:** Chapter [ # ], [ Title ] is hereby amended by adding Article [ # ], “Tobacco Dealers”.

**Sec. [ \_\_\_\_\_ ] (\*1). Definitions.**

*Board of licenses* means the [ City Council ] sitting as the Board of License Commissioners.

*Characterizing flavor* means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint, or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

*Cigar* means any roll of tobacco other than a Cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than four pounds per thousand.

*Cigarette* means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (1) of this definition.

*Component part* means any element of a tobacco product, including, but not limited to, the tobacco, filter, and paper, but not including any constituent.

*Constituent* means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, which is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product. Such term shall include a smoke constituent.

*Consumer* means a person who purchases a tobacco product for consumption and not for sale to another.

*Coupon* means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue; whether in paper, digital, or other form; used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.

*Distinguishable* means perceivable by an ordinary consumer by either the sense of smell or taste.

*Flavored tobacco product* means any tobacco product, other than a cigarette, that contains a constituent that imparts a characterizing flavor.

*Full retail price* means the higher of the price listed for a tobacco product on its packaging or the price listed on any related shelving, posting, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price, and before the application of any discounts or coupons.

*Little cigar* means any roll of tobacco other than a Cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than four pounds per thousand. “Little Cigar” includes, but is not limited to, tobacco products known or labeled as “small cigar” or “little cigar.”

*Non-cigarette tobacco product* means a tobacco product that is not a cigarette.

*Package or packaging* means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

*Person* means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.

*Sale or sell* means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

*Smoke constituent* means any chemical or chemical compound in mainstream or sidestream tobacco product smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

*Tobacco product* means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoke, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; and (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah. Notwithstanding any provision of clauses (1) and (2) in this definition to the contrary, tobacco product includes any component, part, or accessory of a tobacco product, whether or not sold separately; tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

*Vending machine* means any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.



**Sec. [ \_\_\_\_\_ (\*2) ]. License required.**

It shall be unlawful to sell or to possess with the intention of selling tobacco products within the city without having first obtained a tobacco dealer's license pursuant to this article. Such license shall be in addition to any other license required by state and/or federal law. A tobacco dealer's license is valid for one person at one location and may not be transferred from one person to another or from one location to another. Failure to obtain and maintain a valid license shall result in a fine of [ \_\_\_\_\_ ] dollars ([ \$ \_\_\_\_\_ ]). The fee for the tobacco dealer's license shall be [ \_\_\_\_\_ ] dollars ([ \$ \_\_\_\_\_ ]) per year. All licenses granted under the provisions of this article shall be displayed in a conspicuous place within the business so licensed.

**Sec. [ \_\_\_\_\_ (\*3) ]. License eligibility.**

Licenses shall only be granted to authorize the sale of tobacco products within the city at a fixed location. For example, the sale of tobacco products by persons on foot or from vehicles is prohibited.

**Sec. [ \_\_\_\_\_ (\*4) ]. License application; term.**

Application for a license shall be submitted to the board of licensees together with an application fee of [ \_\_\_\_\_ ] dollars ([ \$ \_\_\_\_\_ ]). A tobacco dealer's license shall be effective through the thirty-first day of December of the calendar year for which it is issued. No license shall be granted without proof that the applicant has obtained all necessary state licenses for the sale of tobacco products.

**Sec. [ \_\_\_\_\_ (\*5) ]. Requirements and prohibitions applicable to licensees.**

- (a) No licensee, or employee or agent of such licensee, shall sell or possess with the intention of selling a tobacco product to another person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product.
- (b) *Display of price.* The price of each tobacco product offered for sale shall be clearly and conspicuously displayed to clearly indicate the price of the product.
- (c) *Packaging and labeling.* No licensee, or employee or agent of such licensee, shall sell any tobacco product unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.
- (d) *Minimum packaging for little cigars and cigars.* No licensee, or employee or agent of such licensee, shall sell:
  - (1) Any little cigar unless it is sold in a package of at least twenty little cigars.

- (2) Any cigar unless it is sold in a package of at least [ six ] cigars; provided, however, that this subsection shall not apply to a cigar that has a price of at least [ \$X.00 ] per cigar.
- (e) *Prohibition of tobacco coupons and discounts.* No licensee, or employee or agent of such licensee, shall:
- (1) Accept or redeem, or offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product to a consumer without charge or for less than the full retail price;
  - (2) Sell any tobacco product to a consumer through a multiple-package discount (e.g., “buy-two-get-one-free”) or otherwise provide any tobacco product to a consumer for less than the full retail price in exchange for the purchase of any other tobacco product;
  - (3) Provide any free or discounted item to a consumer in exchange for the purchase of any tobacco product.
- (f) *Sale of flavored tobacco products prohibited.* No licensee, or employee or agent of such licensee, shall sell any flavored tobacco product to a consumer. A non-cigarette tobacco product is presumed to be a flavored tobacco product if a manufacturer or any of the manufacturer’s agents or employees has: (1) made a public statement or claim that the non-cigarette tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product’s labeling or packaging that are used to explicitly or implicitly communicate information about the flavor, taste, or aroma of a non-cigarette tobacco product; or (2) taken action directed to consumers that would be reasonably expected to result in consumers believing that the non-cigarette tobacco product imparts a characterizing flavor. Each licensee shall maintain on the premises the original labeling and packaging provided by the manufacturer for all tobacco products that are sold or offered for sale by the licensee separately from the original packaging designed for retail sale to the consumer. The original labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package.

This subsection (f) shall not apply to the following businesses:

- (1) A smoking bar as defined in Section 23-20.10-2(15) of the Rhode Island General Laws

**Sec. [ \_\_\_\_\_ (\*6) ]. Suspension or revocation of license – fines and costs.**

The [ Police Department ] shall enforce the provisions of this article. All licensees shall be subject to a compliance check at least two (2) times a year; violators shall be checked more frequently until two (2) consecutive compliance checks are completed without violation. If an alleged violation occurs, the [ Police Department ] shall issue a citation that will require the licensee to appear for a show cause hearing before the board of licensees. If, after a hearing, the board finds that a violation has occurred, the board shall impose a civil fine of [ \_\_\_ ] dollars ([ \$ \_\_\_\_\_ ]) for the first offense, [ \_\_\_ ] dollars ([ \$ \_\_\_\_\_ ]) for the second offense, and [ \_\_\_\_\_ ] dollars ([ \$ \_\_\_\_\_ ]) for any subsequent offense. Additionally, the board may suspend or revoke the license. If a licensee maintains its license for [ thirty-six ] ([ 36 ]) consecutive months without a violation, any new violation shall be treated as a first offense. It is the intent of this legislation that all fines collected by the city hereunder shall be used by the board of licensees [ and the Police Department ] for the purpose of conducting tobacco product compliance checks.

**Sec. [ \_\_\_\_\_ ] (\*7) ]. Use of premises during license suspension.**

During the period of any suspension of a tobacco dealer's license, the licensee shall remove all tobacco products from the retail display area of the location and secure them in a locked area for the duration of the suspension. If, at any time during the suspension period, the licensee is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

**Sec. [ \_\_\_\_\_ ] (\*8) ]. Vending machines.**

Businesses which have vending machines shall be subject to the same fines and penalties as described in section [ \_\_\_\_\_ ] (\*6) ] of this article. In the event that a tobacco dealer's license is suspended or revoked, then the vending machine shall be removed from the licensed location for the period of suspension or revocation.

**Sec. [ \_\_\_\_\_ ] (\*9) ]. Severability.**

If any provision of this article, or application thereof to any person or circumstances, is held unconstitutional, illegal, or otherwise invalid, the remaining provisions of this article and the application of such provisions to other persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

**SECTION 2:** This ordinance shall take effect upon passage.

**City of Providence  
Ordinances for  
Tobacco Licensing &  
Bans**

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2011-13

**No. 224 AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED LICENSES BY ADDING THERETO ARTICLE XV, ENTITLED TOBACCO DEALERS.**

Approved April 13, 2011

*Be it ordained by the City of Providence:*

SECTION 1. Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended by adding thereto the following article:

**ARTICLE XV. TOBACCO DEALERS**

**Sec. 14-300. Definitions.**

"Board of Licenses" shall mean the Providence Board of Licenses as established by Sec. 1102 of the Providence Home Rule Charter of 1980.

"Compliance check violation" shall mean any sale of tobacco products to a person who is less than eighteen (18) years of age.

"Tobacco products" shall mean any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, orbs, sticks and dissolvable tobacco products.

"Vending machines" shall mean any mechanical, electric or electronic self service device which upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

**Sec. 14-301. License required.**

It shall be unlawful to sell, distribute, deliver, offer for sale, or give away, or to possess with the intention of selling, distributing, delivering, offering for sale, or giving away tobacco products within the city without having first obtained a tobacco dealer's license pursuant to this article. Such license shall be in addition to any other license required by state and/or federal law. Failure to obtain a license shall result in a fine of five hundred dollars (\$500.00). Fee for the city license shall be one hundred dollars (\$100.00) per year. All licenses granted under the provisions of this article shall be displayed in a conspicuous place within the business so licensed.

**Sec. 14-302. License application.**

A Providence tobacco dealer's license shall be made in writing to the Board of Licenses together with an application fee of one hundred dollars (\$100.00). Any license issued pursuant to this article shall be issued by the Board of Licenses for up to twelve (12) months. All tobacco dealer's licenses shall expire together on the last day of December. Any individual, corporation, partnership, retailer, or any other organization shall obtain a valid state tobacco license and provide proof thereof prior to approval for a Providence tobacco dealer's license.

**Sec. 14-303. Prohibitions applicable to license holders, their employees and agents.**

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling, distributing, delivering, offering for sale, or giving away, or possessing with the intention of selling, distributing, delivering, offering for sale, or giving away tobacco products within the city to any individual that is under eighteen (18) years of age, whether said tobacco is sold, distributed or delivered in person or via vending machine.

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling as a single cigarette sale, or as a sale of cigarettes by the individual piece, known as "loosies."

**Sec. 14-304. Suspension or revocation of license--Fines and costs.**

The Providence police department shall enforce the provisions of this article. All tobacco dealer's license holders shall be subject to a compliance check at least twice a year with violators being checked more frequently until two consecutive checks are completed without a violation. If an alleged violation occurs, the Providence police department shall issue a citation that will require the tobacco dealer's license holder to appear in for a show cause hearing before the Board of Licenses. If, after a hearing, the Board finds that a violation has occurred, the Board shall impose a civil fine of two hundred fifty dollars (\$250.00) for the first offense, three hundred fifty dollars (\$350.00) for the second offense, and five hundred dollars (\$500.00) for any subsequent offense. Additionally, the Board may suspend or revoke the license. If a holder of a tobacco dealer's license maintains said license for thirty-six (36) consecutive months without a violation, any new violation will be treated as a first offense.

It is the intent of this legislation that all fines collected by the City hereunder shall be used by the Board of Licenses and the Police Department for the purpose of conducting tobacco compliance checks.

Sec. 14-305. Use of premise during license suspension.

During the period of any suspension of a tobacco dealer's license, the holder of the tobacco dealer's license shall remove all tobacco products from the retail display area of the location and secure them in a locked area for the duration of the suspension. If, at any time during the suspension period, the license holder is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

Sec. 14-306. Vending machines.

Businesses which have vending machines shall be subject to the same fines and penalties as described in Section 14-304 of this article. In the event that a tobacco dealer's license is suspended or revoked, then the vending machine shall be removed from the licensed location for the period of suspension or revocation.

Sec. 14-307. Severability.

If any provision of this article, or application thereof to any person or circumstances, is held unconstitutional, illegal, or otherwise invalid, the remaining provisions of this article and the application of such provisions to other persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

SECTION 2. This Ordinance shall take effect December 1, 2011.

IN CITY COUNCIL  
MAR 17 2011  
FIRST READING  
READ AND PASSED


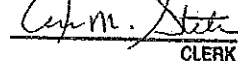
  
CLERK

APPROVED

  
MAYOR

4/13/11

IN CITY  
COUNCIL  
APR - 7 2011  
FINAL READING  
READ AND PASSED

  
PRESIDENT  
  
CLERK

**CHAPTER 2012-6**

**No. 42            AN ORDINANCE AMENDING ARTICLE XV OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "LICENSES" BY ADDING THERETO THE FOLLOWING SECTIONS.**

*Approved January 9, 2012*

***Be it ordained by the City of Providence:***

SECTION 1. Article XV of Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended by adding thereto the following:

**Sec. 14-308. Definitions.**

Whenever used in this ordinance, the following terms shall be defined as follows:

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by, consumers as a cigarette described in clause (1) of this definition.

"Characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice and concepts such as spicy, arctic, ice, cool, warm, hot, mellow, fresh, and breeze; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.



"Component part" means any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

"Constituent" means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.

"Flavored tobacco product" means any tobacco product or any component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

"Person" means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.

"Smoke constituent" means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

"Smoking bar" has the meaning as such term is defined in Sec. 23-20.10-2(15) of the Rhode Island general laws.

"Tobacco product" means any product containing tobacco or nicotine, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges; provided, however, that such term shall not include: (1) cigarettes, including those cigarettes subject to the Special Rule for Cigarettes relating to characterizing flavors of the federal Family Smoking and Tobacco Prevention Act; and (2) any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs.

It shall be unlawful for any person to sell or offer for sale any flavored tobacco product to a consumer, except in a smoking bar.

Sec. 14-310. Enforcement and penalties.

The Providence police department shall enforce the provisions of this ordinance. If an alleged violation occurs, the Providence police department shall issue a citation that will require the tobacco dealer's license holder to appear for a show cause hearing before the Board of Licenses. If, after a hearing, the Board finds that a violation has occurred, the Board shall impose a civil fine of two hundred fifty dollars (\$250.00) for the first offense, three hundred fifty dollars (\$350.00) for the second offense, and five hundred dollars (\$500.00) for any subsequent offense. Additionally, the Board may suspend or revoke the license. If a holder of a tobacco dealer's license maintains said license for thirty-six (36) consecutive months without a violation, any new violation will be treated as a first offense.

It is the intent of this legislation that all fines collected by the City hereunder shall be used by the Board of Licenses and the Police Department for the purpose of conducting tobacco compliance checks.

SECTION 2. This Ordinance shall take effect March 1, 2012.

IN CITY COUNCIL  
JAN 03 2012  
FIRST READING  
READ AND PASSED  
*A.M. Stea* CLERK

IN CITY  
COUNCIL  
JAN 05 2012  
FINAL READING  
READ AND PASSED  
*W. Singh*  
PRESIDENT  
*A.M. Stea*  
CLERK

I HEREBY APPROVE,  
*Angela Tammone*  
Mayor  
Date: 1/9/12

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2012-7

No. 43 AN ORDINANCE AMENDING SECTION 14-300 AND SECTION 14-303 OF ARTICLE XV OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "LICENSES - TOBACCO DEALERS."

Approved January 9, 2012

*Be it ordained by the City of Providence:*

SECTION 1. Section 14-300 of Article XV of Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended as follows:

Sec. 14-300. Definitions.

"Board of Licenses" shall mean the Providence Board of Licenses as established by Sec. 1102 of the Providence Home Rule Charter of 1980.

"Compliance check violation" shall mean any sale of tobacco products to a person who is less than eighteen (18) years of age.

"Coupon" shall mean any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

"Listed or non-discounted price" shall mean the higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the stated price, and before the application of any discounts or coupons.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing

tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by, consumers as a cigarette described in clause (1) of this definition.

"Tobacco products" shall mean any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, orbs, sticks, and dissolvable tobacco products, and electronic cigarette cartridges; provided, however, that "tobacco products" shall not include any product that has been approved by the United States Food and Drug Administration for use as a medical treatment to reduce and eliminate nicotine or tobacco dependence.

"Vending machines" shall mean any mechanical, electric or electronic self service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

SECTION 2. Section 14-303 of Article XV of Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended as follows:

**Sec. 14-303. Prohibitions applicable to license holders, their employees and agents.**

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling, distributing, delivering, offering for sale, or giving away, or possessing with the intention of selling, distributing, delivering, offering for sale, or giving away tobacco products within the city to any individual that is under eighteen (18) years of age, whether said tobacco is sold, distributed or delivered in person or via vending machine.

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling as a single cigarette sale, or as a sale of cigarettes by the individual piece, known as "loosies."

No person who holds a license issued under this article, nor any employee or agent of same, shall:

- (1) accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco products without charge or for less than the listed or non-discounted price; or

- (2) accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any cigarettes without charge or for less than the listed or non-discounted price; or
- (3) sell tobacco products to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco products without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product; or
- (4) sell cigarettes to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any cigarette without charge or for less than the listed or non-discounted price in exchange for the purchase of any other cigarette.

SECTION 3. This Ordinance shall take effect March 1, 2012.

IN CITY COUNCIL  
 JAN 03 2012  
 FIRST READING  
 READ AND PASSED  
*A.M. Stein*  
 CLERK

IN CITY COUNCIL  
 JAN 05 2012  
 FINAL READING  
 READ AND PASSED  
*W. Stapp*  
 PRESIDENT  
*A.M. Stein*  
 CLERK

I HEREBY APPROVE.  
*April Taylor*  
 Mayor  
 Date: 1/9/12

**City of Providence  
Tobacco Policy  
Efforts**

## **City of Providence Tobacco Policy Efforts**

### *Policy Development and Stakeholder Engagement*

Providence was the first city in Rhode Island to pass bans on flavored tobacco sales and on coupons and discounts, though we were not the first city with a local tobacco license. We developed our own ordinance over a period of time based on a large amount of work, including:

- surveying city residents about flavored tobacco and tobacco pricing schemes, as well as other issues related to tobacco sales, to gauge community concern on this issue;
- working with the City Solicitor's Office, RI Department of Health, our City Council, our Substance Abuse Prevention Council, and with regional and national experts to craft possible ordinance language that could stand up to a potential legal challenge and also be effective in reducing youth access and use of tobacco products; and
- engaging community leaders and allies to build support for policy change.

### *Policy Establishment*

In April of 2011, the City Council passed, and then Mayor Angel Taveras, signed an initial ordinance to establish the tobacco license and to establish bans on the sale of loose cigarettes and underage sales. Subsequent to that, we worked with our License Administrator to establish tobacco licenses to go into effect at the end of 2011 and worked with vendors to have them understand the new requirements.

While this work was happening, we also were working to develop two additional ordinances that would layer on the other key elements of the model policy - the flavor ban and discount/coupon bans - on top of the basic scaffolding of the original ordinance. These other ordinances were passed by City Council and signed by the Mayor in January of 2012 with initial implementation planned for February 2012.

### *Policy Implementation and Challenges*

Implementation was delayed when in early February, the City was sued by Big Tobacco in US District Court, which requested that the flavored and pricing laws be delayed until resolution of the case (the companies filing suit did not challenge the initial ordinance establishing the license and that did go into effect on time). Rather than force a court to rule on whether it would order the City to hold off, Providence agreed to hold off on its implementation pending a District Court ruling.

During the time that the case was being considered, the City continued to educate the public and organize support for our efforts. We held a major rally with 200 residents and supporters in the summer of 2012, with a Vice President of the Campaign for Tobacco Free Kids flying in from Washington to join city and state leaders and demonstrate a broad united front behind Providence's efforts to battle Big Tobacco to benefit the health of our kids.

In December of 2012, US District Court Judge Mary Lisi ruled in our favor, striking just one minor clause of our flavored ordinance which is not included now in the state model policy. While the tobacco industry did appeal the decision, they did not attempt to stop the City from

moving ahead with implementation of our flavored and pricing ordinances in January of 2013 while that appeal was pending.

In our implementation work, we made every effort to ensure that all of our vendors were well notified of the ordinances going into effect, and that they understood what the ordinances meant for their businesses and how they could comply. A vendor education consultant who had already developed some relationships with businesses in earlier sets of visits focused on explaining federal and state laws as well as the new city license now visited every business again to make sure they understood the flavored and pricing laws were going into effect. Enforcement checks around the flavored and pricing laws started after the laws officially went into effect on January 3, 2013.

In September 2013, a three judge panel of the US Circuit Court of Appeals for the First Circuit upheld the District Court ruling, leaving the industry with only one option left - to appeal to the Supreme Court of the United States. Big Tobacco had in the meantime lost another similar case in the Second Circuit related to a flavored ban in New York City, and opted not to appeal, removing any remaining doubt about the legal future of our ordinances.



# **City of Providence Court Challenges**

## **Federal Court Upholds Providence, RI, Measures to Reduce Tobacco Sales to Kids**

### **Statement of Matthew L. Myers, President, Campaign for Tobacco-Free Kids**

*Dec. 11 2012*

WASHINGTON, DC — In a win for kids and public health, a federal judge has upheld sensible restrictions adopted by the city of Providence, Rhode Island, that prohibit tobacco companies from luring kids with cheap and sweet tobacco products.

In a decision handed down Monday, Chief U.S. District Judge Mary Lisi of the U.S. District Court for the District of Rhode Island upheld Providence ordinances that:

- Prohibit the sale of flavored non-cigarette tobacco products except in certain adult facilities (flavored cigarettes are banned by federal law); and
- Prohibit the use of coupons and multi-pack discounts (e.g., "buy-two-get-one-free") that make tobacco products cheaper and more appealing to kids.

Providence earlier this year became one of the first cities in the country to adopt such measures.

Judge Lisi found that Providence's restrictions are reasonable regulations of the sales — not the marketing — of tobacco products and serve the city's legitimate goal of reducing smoking and other tobacco use, especially among kids. She rejected arguments by tobacco companies, including Philip Morris and R.J. Reynolds, that the ordinances violated their First Amendment rights and are also preempted by federal and state law.

"Neither of the Ordinances at issue precludes the Plaintiffs from engaging in activities that can be considered 'commercial speech'," Judge Lisi wrote.

We applaud Providence Mayor Angel Taveras and the City Council for taking bold action to stop tobacco companies from preying on kids and for standing strong against the industry's legal attacks. We look forward to standing with Providence against likely industry appeals.

The Providence ordinances crack down on two tactics — sweet flavors and prices discounts — used by tobacco companies to lure kids. Tobacco companies have long used candy and fruit flavorings to tempt kids and mask the harshness of tobacco products for new users. The 2009 federal law granting the Food and Drug Administration authority over tobacco products banned candy and fruit-flavored cigarettes, but the FDA has not extended this restriction to other tobacco products. Tobacco companies have responded by introducing a barrage of new flavored cigars and smokeless tobacco products. The Providence ordinance prohibits the sale of all other flavored tobacco products, including cigars, little cigars and smokeless tobacco, except in certain adult facilities.

Tobacco companies also know that kids are the most price-sensitive consumers and that reducing the price of cigarettes and other tobacco products makes them more affordable and appealing to kids. That is one reason why they spend billions of dollars each year on price discounts. By prohibiting the use of coupons and multi-pack discounts, Providence will increase the price of tobacco products and reduce youth tobacco use.

Tobacco use is the number one cause of preventable death in the United States, killing more than 400,000 people and costing nearly \$100 billion in health care bills each year. We applaud the city of Providence for taking innovative action to keep these deadly products out of the hands of kids and reduce tobacco's terrible toll.

[Download the court ruling](#) 

**City of Providence**  
**Board of License**  
**Overview**

## **City of Providence Board of Licenses Overview**

### *Board of Licenses*

The City of Providence's Board of Licenses is responsible for processing and regulating a broad range of license applications, including local licenses for the sale of tobacco products. This Board is constituted as an independent regulatory body as established by Providence Home Rule Charter of 1980, Article XI. Boards and Commissions, Section 1102 Board of Licenses.<sup>i</sup> There is a five member board appointed by the Mayor and approved by City Council that hears applications and violations on a weekly basis. The office is assigned police officers that conduct inspections of liquor licensed establishments and oversees two civilian inspectors who provide day-to-day enforcement of all other licenses regulations.

The sample documents set out in this section represent the application, review, and violation documents and public processes related to local tobacco licenses as overseen by the Providence Board of Licenses. They include:

### *Tobacco License Application*

While any establishment that sells items subject to the state tobacco tax must maintain a *state cigarette license* from the RI Division of Taxation, the City of Providence requires an additional local tobacco license. The local requirement gives the City a regulatory authority vis-a-vis tobacco vendors that it would not otherwise have, such as imposing penalties for violations or revoking licensing under egregious cases. This local licensing requirement is in addition to other permits and licenses that may be required depending on the business' operations. A valid tobacco retailer's license is required before the business can begin making sales of cigarettes and tobacco products. License applications and renewals are heard and decided upon at Board of Licenses meetings. City of Providence tobacco licenses are renewed annually with a \$100 fee for every application and renewal. The license must be visibly posted in the store.

### *Board of Licenses Agenda*

The Board of Licenses of the City of Providence is subject to State of Rhode Island's Open Government laws: the Open Meetings Act (OMA) and the Access to Public Records Act (APRA). In accordance with the OMA, all meetings of the board and its committees are open to the public. The OMA requires the Board to post notices of all meetings at least 48 hours in advance of the meetings on the RI Secretary of State's website. In addition, the OMA requires that an annual schedule of board meetings be posted in January. The Board of Licenses agenda includes the members' names, meeting date, time and location. It lists items for discussion according to priority starting with the approval of the previous meeting's minutes, requests for new and renewal licenses, and review of violations.

### Board of Licenses Minutes

The Board of Licenses of the City of Providence is subject to State of Rhode Island's Open Government laws: the Open Meetings Act (OMA) and the Access to Public Records Act (APRA). The OMA and APRA require the Board of Licenses to record all votes taken and to record the how each member of the board votes. The OMA requires that the record of votes taken be available within two weeks. Minutes of board meetings must be available within 35 days of the meeting or at the next scheduled meeting (whichever is earlier). The OMA allows for sealed minutes of executive session meetings under limited circumstances. The City of Providence also provides both written and audio recordings of minutes through its Open Meetings Portal. Minutes include licensing and violation decisions, including any penalties imposed upon a retailer.

### Letter of Violation

A letter of violation is mailed to vendors that have been found violating city/state tobacco sales regulations. The Board of Licenses sends these letters to retailers to acknowledge their violation based on information provided by the enforcement agency, and request their presence to respond to the violation during open meeting of the Board.

### Fines Chart Sample

This chart outlines the graded penalties that can be imposed upon vendors for tobacco-related violations. Vendors that are found violating tobacco regulations will be subject to financial fines, including but not limited to, revocation of their tobacco retail license. Penalties and fines related to these tobacco ordinances are consistent with other violations such as underage cigarette tobacco sales: \$250.00 for the first offense; \$350.00 for the second offense; and \$500.00 for any subsequent offense. Vendors with more than three offenses may be subject to license suspension or revocation. Vendors are also subject to fines from the State of Rhode Island in addition to local fines.

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<sup>i</sup> City of Providence Board of Licenses Incorporation - Providence Home Rule Charter of 1980, Article XI. Boards and Commissions, Section 1102 Board of Licenses:  
<https://law.resource.org/pub/us/code/city/ri/Providence.%20RI%20Republication%20thru%20%231.%20Addition.pdf>

# **Board of Licenses Incorporation**

- (2) To protect and conserve the water supply of the city and other areas within its jurisdiction;
  - (3) To appoint for a period of not more than five (5) years a chief engineer who shall be a professional engineer with at least five (5) years of service as such; and to remove the chief engineer for official misconduct or failure to perform the duties of the office, after notice and hearing, by a vote of a majority of its members.
  - (4) To appoint a legal advisor, subject to the approval of the mayor, to hold office at the pleasure of the board, for the purpose of advising the water supply board upon all questions involving its official actions and business; provided that said legal advisory shall be subordinate to the city solicitor and in all litigation to which the city may be a party, said legal advisor shall be under the direction of the city solicitor.
- (b) *Chief engineer's powers and duties.* The chief engineer shall have sole charge of the city water system in every particular, being subject at all times to the prescribed orders and direction of the water supply board, and shall personally attend to all administrative and supervisory details of operating the water system subject to the orders and direction of the board. The chief engineer shall annually prepare a report for presentation to the board, mayor and city council containing a description of the general operation of the water system, a detailed statement of expenditures and income and such other data and information as the board may require.

(Election of 11-7-06)

#### **1102. Board of licenses.**

- (a) There shall be a board of licenses which shall have and exercise such power and duties relating to licenses as may be prescribed by law or ordinance. The board shall consist of five (5) members appointed by the mayor with the approval of the city council. Of the five (5) members first appointed, two (2) shall serve a term of one year, two (2) shall serve a term of two (2) years, and one shall serve a term of three (3) years. All subse-



quent appointments or reappointments shall be for a term of three (3) years. At its first meeting following qualification of the member appointed for that year, the board shall elect from among its membership a chairperson and secretary. In the event of a vacancy in the office of chairperson or secretary, the board shall fill the vacancy for the balance of the term. No member of the board shall continue in office after his or her term expires without being reappointed by the mayor with the approval of the city council.

(b) The board of licenses, subject to such terms, limitations and conditions as prescribed by state law, this Charter or ordinance of the city council, shall:

- (1) Require an inspection, investigation and report by the police department on the application for any license and of the person making such application in all cases in which the police department has an interest or concern therein. Such board, in the same or other cases, may require a similar inspection, investigation and report to be made by said department or by any other officer, department or agency of the city.
- (2) Receive from the police department notification of the violation of the terms of any license and any information concerning a person holding any such license which relates to the fitness of such person to be licensed. Similar information shall be furnished to the board of licenses by any officer, department or agency of the city as to matters within the officer's or agency's jurisdiction.
- (3) Unless otherwise provided by state law, suspend, annul, rescind, cancel or revoke any license issued by the board of licenses for any reason which the board may deem to be in the public interest; provided, however, that no license shall be suspended for more than seventy-two (72) hours or annulled, rescinded, cancelled or revoked unless the licensee shall have been given at least three (3) days' written notice of the action proposed to be taken and of the grounds therefor and the time and place of the hearing. The said licensee shall also be notified of the right to be represented at said hearing by legal counsel.

- (4) Submit an annual report to the mayor and city council.
- (c) In the discharge of its duties, the board of licenses shall have the following powers:
  - (1) Members of the board are hereby severally authorized to administer oaths;
  - (2) To summon witnesses by subpoena signed by any member and to compel such witnesses to attend and testify;
  - (3) To compel the production of all papers, books, documents, records, certificates or other legal evidence that may be necessary or proper for the determination and decision of any question or for the discharge of any duty required by law of said board, by issuing subpoena duces tecum signed by any member;
  - (4) Any person disobeying any such subpoena shall be considered in contempt and said board may seek a citation in contempt from the superior court of Providence County.

#### **1103. Human relations commission.**

There shall be a human relations commission which shall act to further amicable relations among various segments of the population; help make it possible for each citizen, regardless of race, color, sex, religion, marital status, handicap, age, or country of ancestral origin, to develop talents and abilities without limitation; aid in permitting the community to benefit from the fullest realization of its human resources; and preserve and further the good name of Providence and its people for tolerance and fair play.

- (a) *Appointment.* The commission shall consist of thirteen (13) members who shall be appointed by the mayor with the approval of the city council to serve for three-year terms. Members shall not be entitled to compensation for their service to the commission, but shall be reimbursed for actual expenses incurred in the performance of their duties. Annually at its first meeting following the qualification of the members appointed that year, the commission shall elect from among its membership a chairperson and such other commission officers as may from time to

# **Tobacco Application Form Sample**



CITY OF PROVIDENCE

APPLICATION FOR TOBACCO LICENSE

The undersigned respectfully petitions your Honorable Board of License to sell tobacco in accordance with applicable laws, the registration requirements and ban on sale of single cigarettes, subject to such restrictions and regulations as the Board of Licenses may prescribe.

DATE: \_\_\_\_\_

Applicant: \_\_\_\_\_

D.B.A: \_\_\_\_\_

Location: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

I understand the Board of Licenses can and will impose fines and penalties on vendors who sell tobacco to minors or sell single cigarettes or "loosies".

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

\*\* FOR INTERNAL OFFICE USE ONLY (Rev'd 10/11) \*\*

DATE RECEIVED \_\_\_\_\_

FILED \_\_\_\_\_

FEE \_\_\_\_\_

CHECK # \_\_\_\_\_

LICENSE # \_\_\_\_\_

ISSUE DATE \_\_\_\_\_

EXPIRE DATE \_\_\_\_\_

RENEWAL

NEW

BOARD OF LICENSES

Providence City Hall | 25 Dorrance Street, Room 104, Providence, Rhode Island 02903

401 421 7740 ph | 401 272 2430 fax

www.providenceri.com

# **Board of Licenses Agenda Sample**

**Juan M. Pichardo**  
Chairman & Secretary

BOARD OF LICENSES

**Jorge O. Elorza**  
Mayor



**Charles Newton**  
Vice Chair

**Delia Rodriguez-Masjoan**  
**Johanna Harris**  
**Luis Peralta**  
**Louis DeSimone**, *Attorney To The Board*

Wednesday  
DATE: January 20, 2016  
PLACE: City Hall Room 112  
TIME: 1:00 PM  
CLERK: \_\_\_\_\_  
POLICE: \_\_\_\_\_  
LAW DEPT: \_\_\_\_\_

**DOCKET**

1. New License. Food Dispenser. *The Minetin Frozen Yogurt RI d/b/a Tutti Frutti, 1 Providence Place Mall.*
2. New License. Holiday Sales. *Maria Tavera d/b/a Dominican Wireless, 370 Cranston Street.*
3. New License. Hackney Driver. *Ramon Perez, 42 Ophelia Street.*
4. New License. Food Dispenser, Holiday Sales. *Sanjar Sharipov d/b/a Campus Pizza, 9 Mount Pleasant Avenue.*
5. Entertainment. *Christina Toro, Roger Williams Park Casino. January 30, 2016. DJ. 6:30 PM to 10:30 PM*
6. Entertainment. *RI Convention Center, 1 Sabin Street.*  

<b>Athletic Cheer &amp; Dance National Championships</b>	<b>January 22-24, 2016</b>
<b>Auto Show</b>	<b>January 29-31, 2016</b>
7. Entertainment. *The Vets, 1 Avenue of the Arts.*  

<b>Ballet Boyz</b>	<b>February 1, 2016</b>
<b>Daniel Tiger</b>	<b>February 12, 2016</b>
<b>RIPO</b>	<b>February 18, 2016</b>
<b>RIPO</b>	<b>February 19, 2016</b>
<b>Bush Women</b>	<b>February 27, 2016</b>
<b>Oscar Night</b>	<b>February 28, 2016</b>
8. Alcohol Bev Class F-Ltd Nonprofit 1-day beer/wine, Entertainment. *St. Pius V. School, Slavin Center, Providence College. February 6, 2016. DJ. 6:00 PM to 10:00 PM.*

- 9. Approve for Advertising: Transfer License. Alcoholic Beverages Class BV (Full Liquor - Food), Alcoholic Beverages Class BX (2am Closing), Entertainment, Food Dispenser, Holiday Sales, Valet Parking. *Mediterraneo Corp d/b/a Mediterraneo to Joest LLC d/b/a/ Massimo, 134 Atwells Avenue.***
- 10. To Appear -- Show Cause Hearing: Food Dispenser, Holiday Sales, Tobacco Vendor. [REDACTED] incident of November 5, 2015.**
- 11. To Appear -- Show Cause Hearing: Food Dispenser, Holiday Sales, Tobacco Vendor. [REDACTED] Regarding incident of November 5, 2015.**

**Board of Licenses  
Meeting Minutes  
Sample**



**Juan M. Pichardo**  
Chairman & Secretary

**BOARD OF LICENSES**

**Jorge O. Elorza**  
Mayor



**Charles Newton**  
Vice Chair

**Delia Rodriguez-Masjoan**  
**Johanna Harris**  
**Luis Peralta**  
**Louis DeSimone**, *Attorney To The Board*

Wednesday  
DATE: January 20, 2016  
PLACE: City Hall Room 112  
TIME: 1:00 PM  
CLERK: \_\_\_\_\_  
POLICE: \_\_\_\_\_  
LAW DEPT: \_\_\_\_\_

**MINUTES**

**I. CALL TO ORDER**

PRESENT: Pichardo, Rodriguez-Masjoan, Harris, Peralta  
ABSENT: Newton

**1. New License. Food Dispenser. *The Minetin Frozen Yogurt RI d/b/a Tutti Frutti, 1 Providence Place Mall.***

<b>RESULT:</b>	<b>APPROVED PENDING [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**2. New License. Holiday Sales. *Maria Tavera d/b/a Dominican Wireless, 370 Cranston Street.***

<b>RESULT:</b>	<b>APPROVED PENDING [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**3. New License. Hackney Driver. *Ramon Perez, 42 Ophelia Street.***

<b>RESULT:</b>	<b>APPROVED PENDING [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**4. New License. Food Dispenser, Holiday Sales. *Sanjar Sharipov d/b/a Campus Pizza, 9 Mount Pleasant Avenue.***

<b>RESULT:</b>	<b>APPROVED PENDING [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**5. Entertainment. *Christina Toro, Roger Williams Park Casino. January 30, 2016. DJ. 6:30 PM to 10:30 PM***

<b>RESULT:</b>	<b>APPROVED PENDING [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**6. Entertainment. *RI Convention Center, 1 Sabin Street.***

**Athletic Cheer & Dance National Championships January 22-24, 2016**  
**Auto Show January 3-31, 2016**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**7. Entertainment. *The Vets, 1 Avenue of the Arts.***

<b>Ballet Boyz</b>	<b>February 1, 2016</b>
<b>Daniel Tiger</b>	<b>February 12, 2016</b>
<b>RIPO</b>	<b>February 18, 2016</b>
<b>RIPO</b>	<b>February 19, 2016</b>
<b>Bush Women</b>	<b>February 27, 2016</b>
<b>Oscar Night</b>	<b>February 28, 2016</b>

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**8. Alcohol Bev Class F-Ltd Nonprofit 1-day beer/wine, Entertainment. *St. Pius V. School, Slavin Center, Providence College.* February 6, 2016. DJ. 6:00 PM to 10:00 PM.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**9. Approve for Advertising: Transfer License. Alcoholic Beverages Class BV (Full Liquor - Food), Alcoholic Beverages Class BX (2am Closing), Entertainment, Food Dispenser, Holiday Sales, Valet Parking. *Mediteraneo Corp d/b/a Mediteraneo to Joest LLC d/b/a/ Massimo, 134 Atwells Avenue.***

<b>RESULT:</b>	<b>LICENSE ADVERTISEMENT APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

**10. To Appear -- Show Cause Hearing: Food Dispenser, Holiday Sales, Tobacco Vendor. [REDACTED] Regarding incident of November 5, 2015.**

1st offense, Warning. Staff must take approved training. 60 days to provide certification.

<b>RESULT:</b>	<b>VIOLATION FOUND [3 TO 1]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Peralta
<b>NAYS:</b>	Harris
<b>ABSENT:</b>	Newton

**11. To Appear -- Show Cause Hearing: Food Dispenser, Holiday Sales, Tobacco Vendor. [REDACTED] Regarding incident of November 5, 2015.**

1st Offense, warning. Review suggested.

<b>RESULT:</b>	<b>VIOLATION FOUND [UNANIMOUS]</b>
<b>MOVER:</b>	Delia Rodriguez-Masjoan, Board Member
<b>SECONDER:</b>	Luis Peralta, Board Member
<b>AYES:</b>	Pichardo, Rodriguez-Masjoan, Harris, Peralta
<b>ABSENT:</b>	Newton

# **Letter of Violation Sample**

THE CITY OF PROVIDENCE BOARD OF LICENSES  
CITY HALL  
25 DORRANCE STREET  
PROVIDENCE, RI 02903

IN RE: ██████████  
incident of November 5, 2015

Matter No.: \_\_\_\_\_

**ORDER TO SHOW CAUSE WHY LICENSES SHOULD NOT BE  
REVOKED OR SUSPENDED AND/OR OTHER PENALTIES  
SHOULD NOT ISSUE**

Pursuant to its authority under Section 1102 of the City of Providence Home Rule Charter, and Sections 3-5-15, *et seq.*, 5-22-1, *et seq.*, 5-23-1, *et seq.*, and 5-24-1, *et seq.* of the General Laws of the State of Rhode Island, and Sections 14-300, *et seq.* of the City of Providence Code of Ordinances, the Board of Licenses of the City of Providence (hereinafter the "Board") hereby issues this ORDER TO SHOW CAUSE WHY LICENSES SHOULD NOT BE REVOKED OR SUSPENDED AND/OR OTHER PENALTIES SHOULD NOT ISSUE to

██████████  
(hereinafter "Licensee")  
Food Dispenser  
Holiday Sales  
Tobacco Sales

requiring Licensee to appear before the Board and answer why the Board should not issue an order revoking or suspending all licenses held by Licensee and/or imposing other penalties for violation of the following:

1. RIGL § 11-9-13.8, Providence Ordinance 14-303 – Sale of tobacco to a minor.

The incident(s) resulting in this Order to Show Cause were documented by Providence Police in Police Incident Report Nos. 15-117336, attached hereto and made a part hereof as EXHIBIT A.

WHEREFORE, the City of Providence Board of Licenses hereby orders:

1. the Licensee to appear before the Board, at Providence City Hall, 25 Dorrance Street, Providence, Rhode Island, 02903 on

*Wednesday, Jan 29*, 2016 at 1:00 P.M. in Room 112

and show cause why the Board should not revoke or suspend the license(s) held by the Licensee and/or why other penalties should not issue.

NOTE: LICENSEE MUST BE REPRESENTED BY COUNSEL AND MUST PRESENT HIS/HER LICENSES AT TIME OF APPEARANCE. FAILURE TO COMPLY WITH THIS ORDER AND APPEAR BEFORE THE CITY OF PROVIDENCE BOARD OF LICENSES ON THE DATES INDICATED ABOVE WILL BE DEEMED A FULL ADMISSION OF THE VIOLATIONS ENUMERATED HEREIN.

Dated this 30<sup>th</sup> day of December, 2015.

THE CITY OF PROVIDENCE BOARD OF LICENSES
By: Juan M. Pichardo
Its: Chairperson



**EXHIBIT A**

# Providence Incident Report

## Summary

Print Date/Time: 11/17/2015 19:07  
 Login ID: pcreamer  
 Case Number: 2015-00117336

Providence Police Department  
 ORI Number: RI0040900

### Case

Case Number: 2015-00117336	Incident Type: License Violation
Location: [REDACTED]	Occurred From: 11/05/2015 16:33
Reporting Officer ID: 9623 - Shields	Occurred Thru: 11/05/2015 16:33
	Disposition:
	Disposition Date:
	Reported Date: 11/05/2015 16:33 Thursday

### Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
-----	-----------	------------	---------	-------------	--------

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
------	-----	------	---------	-------	------	-----	---------

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
------------	------	---------	-----------	------	-----

### Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

### Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
-----	------	--------------	-----------	-------	-------	---------------	-------



## Original Report

On 11/5/15 Sgt. Tejada along with Detective Shields utilized a 17 year old underage assistant (DC) in an attempt to purchase tobacco products from various stores in the city of Providence. (DC) has been trained in the proper protocol to conduct such checks. At approximately 1633 Hrs (DC) entered [REDACTED] and was able to purchase a Game Blue cigarillo from the female clerk without being asked age or for identification. (DC) exited the store and turned the cigars over to Sgt. Tejada which will be held as evidence. The clerk, [REDACTED], was advised of the violation.

A 6th District Summons was issued to [REDACTED] to a Minor which has an option to pay a \$250.00 Fine by mail within 10 days.

Copy of the report will be forwarded to the Law Department for referral to the Board of Licenses.

The City of Providence provides tobacco vendor education to retail stores to support compliance with local ordinances. Recent education with this vendor includes:

12/28/16: In-store direct vendor education with City of Providence- Healthy Communities Office staff member.

2/14/17: Tobacco vendor education letter from Licensing Administrator mailed to store explaining local ordinances and tobacco license requirements.

# **Fines Chart Sample**



# BOARD OF LICENSES

OFFICIAL WEBSITE OF THE CITY OF PROVIDENCE, RHODE ISLAND

## SIGN UP FOR THE CITY'S WEEKLY E-NEWS



## City of Providence Tobacco Sales Laws

[Spanish translation here](#) | [En Espanol aqui](#)

- **New Registration law.** All Vendors selling tobacco in the City of Providence must be registered by the Board of Licenses and the license must be **visibly posted** in the store
- **Ban on Sale of Single Cigarettes or "Loosies".** All tobacco vendors are prohibited from selling single cigarettes or "loosies"

### Penalties and Fines

Penalties and fines related to offenses of these two laws are:

- **\$250.00** for the first offense
- **\$350.00** for the second offense
- **\$500.00** for any subsequent offense

**Vendors with more than three offenses may be subject to license revocation**

- **Ban on Non-Cigarette Flavored Tobacco Products.** All tobacco vendors in the City of Providence are prohibited from selling flavored tobacco products (except menthol, mint or wintergreen tobacco) **Flavored tobacco include but are not limited to:** all fruit flavors, chocolate, vanilla, honey, candy, cocoa, herb, spice, dessert or alcoholic beverage. Tobacco products include any product containing tobacco or nicotine including but not limited to: cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus and dissolvable tobacco
- Smoking and Hookah bars are exempt, as defined by Sec. 23-20.10-2(15).

- **Ban on Coupon and Price Discounts.** All vendors selling tobacco in the City of Providence are prohibited from: accepting or redeeming any coupon that provides any tobacco products or cigarettes for free or for less than the listed retail price. Tobacco vendors are also prohibited from selling tobacco products or cigarettes at a multi pack discount or buy down (example buy two get one free or purchase tobacco or cigarette product in exchange for another free or discounted tobacco product)

### Penalties and Fines

Penalties and fines related to these new laws are consistent with other violations such as underage or single cigarette tobacco sales

- **\$250.00** for the first offense
- **\$350.00** for the second offense
- **\$500.00** for any subsequent offense

**Vendors with more than three offenses may be subject to license revocation**

Tobacco vendors are encouraged to review the full language of the laws which may be found in the files listed below. If you have any questions or need additional resources, please contact **City of Providence Healthy Communities Office at 401-421-7740 x753**

### Tobacco Ordinances

[Flavored Tobacco Ordinance](#)

[Tobacco Pricing Ordinance](#)

[Vendor Registration + Ban on Loosies Ordinance](#)

## Board of Licenses

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[Liquor License](#)

[Entertainment License](#)

[License Applications](#)

[Meetings](#)



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### CITY DEPARTMENTS

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Providence City Hall 25 Dorrance Street Providence, Rhode Island 02903 401 680 5000 Main 401 421 2489 Mayor's Office

**City of Providence  
Retail Observational  
Survey Overview**

## **City of Providence Retail Observational Survey Overview**

In order to understand the landscape of tobacco products in Providence's retail environment, the Providence Healthy Communities Office utilizes the Standardized Tobacco Assessment for Retail Settings (STARS) Survey. STARS is a national survey tool whereby community partners or youth can collect retail store tobacco product observational data to inform state and local tobacco control policies.<sup>i</sup> STARS Surveys are not used for enforcement purposes but can help inform trends in non-compliance with state and local ordinances.

Providence Healthy Communities Office staff are trained by the RI Department of Health on how to utilize the STARS Survey, and then visit licensed tobacco vendors in Providence to collect information. Staff identify themselves as City of Providence employees and notify retail staff that they are there to collect observational data only. Surveys are conducted by bilingual staff (Spanish/English) and data is compiled and analyzed by the RI Department of Health.

---

<sup>i</sup> State and Community Tobacco Research. Standardized Tobacco Assessment for Retail Settings (STARS) Survey <http://www.sctcresearch.org/blog/standardized-tobacco-assessment-for-retail-setting/>.

**STARS Project**  
**Rhode Island**  
**Summary**



**Rhode Island Department of Health**  
Three Capitol Hill  
Providence, RI 02908-5094

[www.health.ri.gov](http://www.health.ri.gov)

## **STARS Project Rhode Island - Using retail assessments to document tobacco industry marketing and advertising in your community.**

Youth are regular frequenters to retail stores where they buy drinks, candy, snacks and other products. At the same time, tobacco companies are spending more than 90 percent of their marketing budget (\$10 billion a year) to have their products marketed and displayed. Upon visiting most convenience stores you will find a myriad of flavored and inexpensive, tobacco products placed where young people can see them and access them. Many are colorfully packaged fruit- and candy-flavored cigars, and other slickly packaged, cheaply priced tobacco products.

The **Standardized Tobacco Assessment of Retail Settings (STARS)** is a national survey tool whereby community partners or youth can collect retail store tobacco product observational data. The assessment focuses on tobacco product price, promotion, flavor, and placement of specific brands of cigarettes, little cigars, cigarillos, snus, snuff, electronic cigarettes, dissolvable tobacco, and other tobacco products. STARS serves to educate decision makers, community based organizations and individuals as to the prevalence of tobacco products in retail settings, and inform policy decision making in regard to limiting youth access to these deadly products.

STARS is user friendly. It takes an estimated 10 minutes to complete the survey and the form can be completed by self-trained youth and adults. STARS training materials are available online, and Department of Health can assist with training. STARS does not include or involve tobacco youth compliance checks. STARS resources include:

- STARS survey (1 page, double-sided, 20 questions)
- Training PowerPoint (93 slides for self- or group-administered instruction)
- Pocket Guide (10-page instructional review for use in the field - assembly required)
- Pocket Guide Assembly Instructions (brief instructions on how to assemble pocket guide)
- Excel Data Entry Template (used to enter survey data and compute outcomes)

According to data from the 2013 Youth Risk Behavior Surveillance survey, Rhode Island (RI) leads the nation with 28.7% of current smokers self-reporting that they bought their own cigarettes in a store or gas station. In addition, use of other forms of tobacco and nicotine products by youth is on the increase. In 2013, RI's youth cigar and hookah use rates exceeded cigarettes.

Tobacco companies pay retail stores so as to assure that cigarettes and other tobacco products are prominently displayed. This is an effort to appeal to youth and other tobacco users. STARS provides communities with a tool to expose tobacco's marketing strategies, and shine light on policy change initiatives that will reduce youth access to tobacco products in our communities.

We look forward to working with schools, community based organizations, advocates and others on this initiative. Please feel free to contact Geri Guardino, Policy Analyst, RI Tobacco Control Program if you have any questions or need further information. She can be reached at (401) 222-3044 or at [geri.guardino@health.ri.gov](mailto:geri.guardino@health.ri.gov).



**Standardized  
Tobacco Assessment  
for Retail Settings  
(STARS) Guide**

Standardized Tobacco  
Assessment for Retail  
Settings (STARS)  
**Pocket Guide**



PRODUCT  
EXAMPLES

## Cigarettes



## Menthol cigarettes



## Cigarillos/little cigars



## Single cigarillos



## Large cigars



PRODUCT  
EXAMPLES

## Chew, moist or dry snuff, dip or snus



**Definition:** Tobacco products that do not produce smoke or vapor, often referred to as smokeless tobacco.

## E-cigarettes



**Definition:** Battery-powered cigarettes that produce vapor instead of smoke. They can be refillable or disposable. This category **does not** include e-hookahs or e-cigs.

## Outside advertisements



**Definition:** Include any sign, poster, banner, decal, sticker, neon light or other three-dimensional object that promotes a brand. Advertisements are pre-printed or professionally-produced but may include hand-written information about price. These may be located on the building, on functional items (e.g. trash can, shopping basket) or property (e.g., on the sidewalk, window, parking lot, front door, gas pump, side of the building).

## Store categories

**Convenience store with or without gas:** Convenience stores, also known as food marts, sell a limited line of goods that generally include milk, bread, soda, and snacks. Some convenience stores sell gas (e.g., Arco AM/PM, Chevron FoodMart, BP Connect, Valero), and others don't (e.g., 7-Eleven, Circle K, Quik Stop).

**Drug store/pharmacy:** These are known primarily for selling prescription drugs as well as over-the-counter medicines (e.g., Rite Aid, Walgreens, Duane Reade).

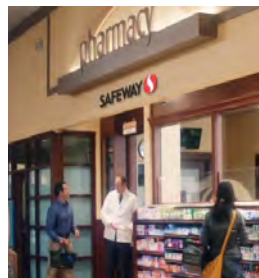
**Liquor store:** Beer, wine or liquor stores mostly sell alcoholic beverages and may sell a limited supply of snack foods.

**Grocery store:** This includes a small market, deli, produce market, large grocery and supermarket (e.g., Safeway, Kroger, Giant Food, Piggly Wiggly, Vons, Luckys, Ralph's, Jewel Osco). Some supermarkets have gas pumps. The difference between a convenience store and a grocery store is that grocery stores sell raw meat that is meant to be cooked at home.

**Mass merchandiser or discount store:** Mass merchandisers sell a variety of goods including clothes, electronics and food (e.g., WalMart, Costco, BJ's, Sam's Club). Discount stores sell a wide range of general merchandise including fresh and perishable goods (e.g., 99 Cent Stores, Dollar General).

**Tobacco shop:** Use this category for a smoke shop or other retailer that primarily sells tobacco products (e.g., Cigarettes Cheaper, Cigar shops, or e-cigarette shops).

## Pharmacy counter



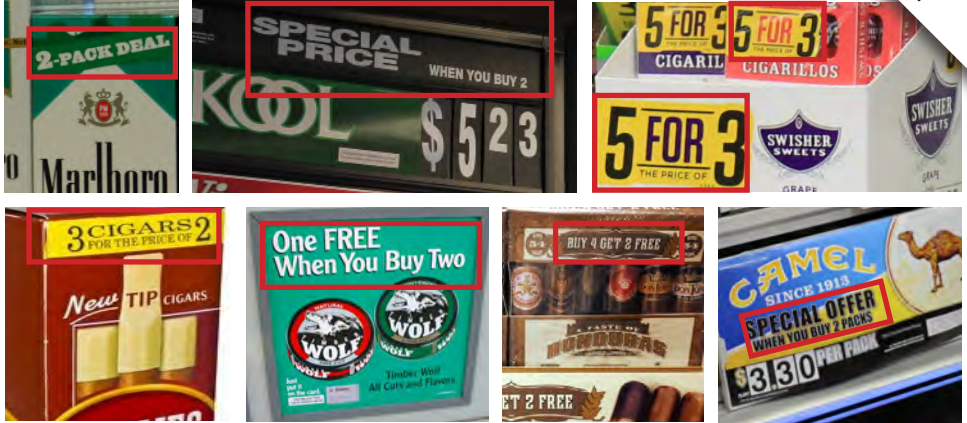
**Note:** Stores do not have to be a drug store/pharmacy to have a pharmacy counter. For example, a WalMart might be a mass merchandiser and have a pharmacy counter.

# Price promotion

PRICE PROMOTION

**Definition:** Popular price promotions include cents or dollar-off promotions, multi-pack discounts and buy some-get some free deals.

## Multi-pack discount



An offer to purchase more than one item that results in a lower price (e.g., “buy 2, get 1 free” or “\$4.59 per pack when you buy 2”).

## Special price



A sale or special price indicated by terms such as “special value”, “discount”, “cents-off”, “on sale”, “reduced price”, or “limited time offer”. Ignore cigarette cartons and **do not** include “everyday low price” or “value brand”.

## Cross-product promotion with cigarettes



An offer to purchase any brand of cigarettes that results in a free or discounted price of any brand of smokeless tobacco (e.g., snus, snuff, dip, or chew) or e-cigarettes.

## Not a promotion



Just a sign with a price, regardless of how many you get for the price (e.g., 2 cigarillos for 99 cents). This is not a promotion because it is just displaying the everyday price of the item and doesn't have the words associated with a special price (e.g. “reduced price”).

FLAVORED PRODUCTS

## Flavor examples



Fruit or Sweet	Liquor	Mint	NOT Flavored
Apple	Bourbon	Fresh	Black
Cherry	Cognac	Frost	Bold
Chocolate	Margarita	Menthol	Mild
Cinnamon	Peach schnapps	Peppermint	Perfecto
Cream	Piña Colada	Spearmint	Purple or purple haze
Grape (white, red)	Spiced Rum	Wintergreen	Red
Honey	Whiskey	Winterchill	Regular
Java	Wine		Royale
Peach	Wine grape		
Spice			
Strawberry			
Sweet			
Vanilla			

## Talking to the cashier

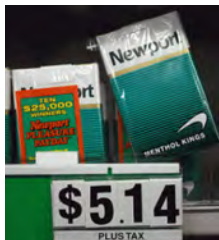
Please consider the context, remembering that the cashier's time is a limited resource. Use your judgment and remember to be courteous and to avoid getting in the way of other customers.

# Obtaining price

PRODUCT PRICE

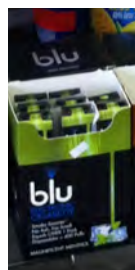
Try to ask the cashier for the cheapest pack price and request the price for the Newport and Blu products. Look for the lowest advertised price if cashier is not available or unwilling to answer questions.

## Newport menthol



**Definition:** Price of one Newport menthol regular hard pack (green pack). Record the discounted price if the product is on sale. **Do not** substitute the price for any other variety of Newport, such as a different cigarette length or flavor (e.g., Newport 100's or red pack). **Do not** compute this price from a multi-pack discount or from a carton price.

## Blu disposable e-cigarette



**Definition:** Price of one Blu disposable e-cigarette (menthol). Record the discounted price if the product is on sale. **Do not** substitute the price for any other Blu product (e.g., starter kit, cartridge) or any other brand of e-cigarette.

# Sales Tax

Price without sales tax is indicated by "plus tax".



Price with sales tax is indicated by "tax included".







# Alcoholic beverages

STORE CHARACTERISTICS



**Definition:** Include any beverage designed for consumption that contains at least 0.5% alcohol by volume (e.g., wine, beer, distilled spirits, alcopops). This category **does not** include products that contain alcohol but are not meant for consumption as a beverage (e.g., cooking wine, vanilla).

# Graphic health warning signs



**Definition:** A realistic photo or illustration depicting the negative health consequences of tobacco use. This **does not** include signs requesting ID if under 18 or graphic health warnings on tobacco packages.

# Availability



**Note:** Always ask about availability of tobacco products if they are not visibly displayed in a store. When a sign on a shelf or presence of an advertisement shows that a store usually sells the product, then indicate that the product is "sold here". Indicate a product is available even if it looks to be temporarily "out of stock".

# WIC & SNAP (i.e. food stamps, EBT)



# TOBACCO PLACEMENT

## Tobacco placement



Tobacco product within 12 inches (approximately two hand lengths) of toys, candy, gum, slushy/soda machines, or ice cream.

## Tobacco advertisement within 3 feet of floor



**Note:** Do not consider advertisements behind the counter

## Self-service display



**Definition:** A consumer can obtain the tobacco product **without** clerk assistance.





# **Completed STARS Survey Sample**

# Standardized Tobacco Assessment for Retail Settings (STARS)

1. Date of visit: 12/24/16 Start Time 10 am End Time: 10:30 am
2. Coder Name/ID: \_\_\_\_\_
3. Store Name/ID: \_\_\_\_\_  
 Store name matches assigned name
4. Store Address: \_\_\_\_\_  
 Actual address matches assigned address
5. Can you survey this store? [If not, then select an option below and STOP]
  - Yes, I can
  - No, store does not exist
  - No, store is closed
  - No, under 18 not allowed to enter
  - No, membership or fee required to enter
  - No, environment unsafe for me
  - No, asked to leave before completing the survey
  - Other (specify): \_\_\_\_\_

## FIELD NOTES

- This retail environment provides a great photo opportunity.

## EXTERIOR

6. Which products are advertised outside the store (on windows/doors, building, sidewalk or elsewhere)?
 

a. Cigarettes – non-menthol	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
b. Cigarettes – menthol	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
c. Cigarillos/little cigars	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
d. Large cigars	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
e. Chew, moist or dry snuff, dip or snus	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
f. E-cigarettes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

## INTERIOR

7. Store Type: (Choose one)
  - Convenience store with or without gas (e.g., 7-Eleven, Exxon, Wawa)
  - Drug store/pharmacy (e.g., Walgreens, Rite Aid, Duane Reade)
  - Beer, wine, or liquor store (e.g., ABC)
  - Grocery store (e.g., small market/deli/produce market) or supermarket (e.g., Stop & Shop, Harris Teeter, Albertson's)
  - Mass merchandiser (e.g., WalMart, Costco, BJ's, Sam's Club) or discount store (e.g., Dollar General, Family Dollar)
  - Tobacco shop (e.g., Cigarettes Cheaper, cigar shops, hookah bars, e-cigarette shops, or other tobacco shops)
  - Other (specify): \_\_\_\_\_ (e.g., donut shop, bait & tackle)
8. Any tobacco products sold here (i.e., cigarettes, cigars, cigarillos/little cigars, chew, moist or dry snuff, dip, snus, or e-cigarettes)? (Choose one)
  - Yes and visible to customers
  - Yes but not visible to customers
  - No [STOP if focusing on tobacco retailers]
9. Does the store have a pharmacy counter?
  - Yes
  - No
10. Alcoholic beverages sold here?
  - Yes
  - No
11. Does store display a graphic health warning sign?
  - Yes
  - No

CIGARETTES

12. Answer these questions about cigarettes.



- a. Any cigarettes sold here?  Yes  No
- b. Menthol cigarettes sold here?  Yes  No
- c. Any cigarettes (menthol or non-menthol) within 12 inches of toys, candy, gum, slushy/soda machines, or ice cream?  Yes  No
- d. Cigarette ad (menthol or non-menthol) within 3 feet of the floor?  Yes  No
- e. Any cigarette price promotions?  Yes  No
- f. Any menthol cigarette price promotions?  Yes  No

OTHER PRODUCTS

13. Cigarillos/little cigars      14. Large cigars      15. Chew, moist/dry snuff, dip, or snus      16. E-cigarettes

- a. Sold here?  Yes  No       Yes  No       Yes  No       Yes  No
- b. Flavored products?  Yes  No       Yes  No       Yes  No       Yes  No
- c. Singles sold here?  Yes  No
- d. Advertised for less than \$1?  Yes  No
- e. Product within 12 inches of toys, candy, gum, slushy/soda machines, or ice cream?  Yes  No       Yes  No       Yes  No       Yes  No
- f. Product ad within 3 feet of floor?  Yes  No       Yes  No       Yes  No       Yes  No
- g. Self-service display?  Yes  No       Yes  No       Yes  No       Yes  No
- h. Any price promotions?  Yes  No       Yes  No       Yes  No       Yes  No
- i. Cross-product promotion with cigarettes?  Yes  No       Yes  No       Yes  No       Yes  No

17. WIC and/or SNAP (i.e., food stamps, EBT) accepted here?

- a.   Yes  No
- b.   Yes  No

PRICES

18. Cheapest cigarette pack      19. Newport menthol      20. Blu disposable e-cigarette



(regular hard pack)



(menthol)

- a. Sold here?  Yes  No       Yes  No       Yes  No

[if cigarettes not sold here, skip to Q.20]

- b. Enter single pack/item price:      \$ 6.90      \$ 7.99      \$ 10.99

- c. Sales tax included?  Yes  No       Yes  No       Yes  No

- d. How was the price obtained?
  - Cashier provided price
  - Advertisd price
  - Unable to determine (e.g. only cartons sold)
- Cashier provided price
- Advertisd price
- Sold here but price unavailable
- Cashier provided price
- Advertisd price
- Sold here but price unavailable



# Standardized Tobacco Assessment for Retail Settings (STARS)

## FIELD NOTES

- This retail environment provides a great photo opportunity.

1. Date of visit: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_
2. Coder Name/ID: \_\_\_\_\_
3. Store Name/ID: \_\_\_\_\_  
 Store name matches assigned name
4. Store Address: \_\_\_\_\_  
 Actual address matches assigned address
5. Can you survey this store? [If not, then select an option below and STOP]  
 Yes, I can  
 No, store does not exist  
 No, store is closed  
 No, under 18 not allowed to enter  
 No, membership or fee required to enter  
 No, environment unsafe for me  
 No, asked to leave before completing the survey  
 Other (specify): \_\_\_\_\_

## EXTERIOR

6. Which products are advertised outside the store (on windows/doors, building, sidewalk or elsewhere)?
 

a. Cigarettes – non-menthol	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. Cigarettes – menthol	<input type="checkbox"/> Yes	<input type="checkbox"/> No
c. Cigarillos/little cigars	<input type="checkbox"/> Yes	<input type="checkbox"/> No
d. Large cigars	<input type="checkbox"/> Yes	<input type="checkbox"/> No
e. Chew, moist or dry snuff, dip or snus	<input type="checkbox"/> Yes	<input type="checkbox"/> No
f. E-cigarettes	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## INTERIOR

7. Store Type: (Choose one)
  - Convenience store with or without gas (e.g., 7-Eleven, Exxon, Wawa)
  - Drug store/pharmacy (e.g., Walgreens, Rite Aid, Duane Reade)
  - Beer, wine, or liquor store (e.g., ABC)
  - Grocery store (e.g., small market/deli/produce market) or supermarket (e.g., Stop & Shop, Harris Teeter, Albertson's)
  - Mass merchandiser (e.g., WalMart, Costco, BJ's, Sam's Club) or discount store (e.g., Dollar General, Family Dollar)
  - Tobacco shop (e.g., Cigarettes Cheaper, cigar shops, hookah bars, e-cigarette shops, or other tobacco shops)
  - Other (specify): \_\_\_\_\_ (e.g., donut shop, bait & tackle)
8. Any tobacco products sold here (i.e., cigarettes, cigars, cigarillos/little cigars, chew, moist or dry snuff, dip, snus, or e-cigarettes)? (Choose one)
  - Yes and visible to customers
  - Yes but not visible to customers
  - No [STOP if focusing on tobacco retailers]
9. Does the store have a pharmacy counter?
  - Yes  No
10. Alcoholic beverages sold here?
  - Yes  No
11. Does store display a graphic health warning sign?
  - Yes  No

**CIGARETTES**

12. Answer these questions about cigarettes.

- a. Any cigarettes sold here? <sub>1</sub> Yes <sub>0</sub> No
- b. Menthol cigarettes sold here? <sub>1</sub> Yes <sub>0</sub> No
- c. Any cigarettes (menthol or non-menthol) within 12 inches of toys, candy, gum, slushy/soda machines, or ice cream? <sub>1</sub> Yes <sub>0</sub> No
- d. Cigarette ad (menthol or non-menthol) within 3 feet of the floor? <sub>1</sub> Yes <sub>0</sub> No
- e. Any cigarette price promotions? <sub>1</sub> Yes <sub>0</sub> No
- f. Any menthol cigarette price promotions? <sub>1</sub> Yes <sub>0</sub> No

**OTHER PRODUCTS**

13. Cigarillos/little cigars



14. Large cigars

15. Chew, moist/dry snuff, dip, or snus

16. E-cigarettes

- a. Sold here? <sub>1</sub> Yes <sub>0</sub> No
- b. Flavored products? <sub>1</sub> Yes <sub>0</sub> No
- c. Singles sold here? <sub>1</sub> Yes <sub>0</sub> No
- d. Advertised for less than \$1? <sub>1</sub> Yes <sub>0</sub> No
- e. Product within 12 inches of toys, candy, gum, slushy/soda machines, or ice cream? <sub>1</sub> Yes <sub>0</sub> No
- f. Product ad within 3 feet of floor? <sub>1</sub> Yes <sub>0</sub> No
- g. Self-service display? <sub>1</sub> Yes <sub>0</sub> No
- h. Any price promotions? <sub>1</sub> Yes <sub>0</sub> No
- i. Cross-product promotion with cigarettes? <sub>1</sub> Yes <sub>0</sub> No

17. WIC and/or SNAP (i.e., food stamps, EBT) accepted here?

- a.  <sub>1</sub> Yes <sub>0</sub> No
- b.  <sub>1</sub> Yes <sub>0</sub> No

**PRICES**

18. Cheapest cigarette pack

19. Newport menthol

20. Blu disposable e-cigarette



(regular hard pack)



(menthol)

- a. Sold here? <sub>1</sub> Yes <sub>0</sub> No

[if cigarettes not sold here, skip to Q.20]

- b. Enter single pack/item price: \$ \_\_\_\_ . \_\_\_\_

- c. Sales tax included? <sub>1</sub> Yes <sub>0</sub> No

- d. How was the price obtained?
  - <sub>1</sub> Cashier provided price
  - <sub>2</sub> Advertised price
  - <sub>0</sub> Unable to determine (e.g. only cartons sold)

**City of Providence**  
**STARS Surveys**  
**Report**

## Reducing Youth Access to Tobacco and Nicotine Products in Providence

### Purpose

This brief summarizes key findings from the **Standardized Tobacco Assessment of Retail Settings (STARS)** survey conducted by staff of the Healthy Communities Office in the City of Providence in the fall/winter of 2015. STARS is particularly important to **Providence** given the city is one of a small group of progressive cities that have passed important local tobacco related policies.

STARS is a national survey tool whereby community partners or youth can collect retail store tobacco product observational data to inform state and local tobacco control policies.<sup>1</sup> Retail point of sale (POS) refers to any location where tobacco and nicotine products are displayed, advertised and purchased.<sup>2</sup>

In April 2011, Providence passed a local tobacco retail licensing requirement. In January 2012, Providence passed policies prohibiting tobacco retailers from selling tobacco products at a discount, and limiting sales of flavored tobacco and nicotine products. In 2013, both policies were implemented.

### Overview

Tobacco use is the leading cause of preventable disease and death in the United States.<sup>3</sup> While youth cigarette smoking has steadily declined across the United States, use of emerging tobacco or nicotine products—most notably e-cigarettes and hookah—has substantially increased over time. In 2015, 25.3% of U.S. high school youth reported using at least one tobacco product within the past 30 days. In addition, point-of-sale tobacco marketing practices have made these products appealing to youth with color packaging and flavorings. Many are inexpensive, such as little cigars and cigarillos, which cost as little as 3 for 99 cents.

### Tobacco Retail Environment in Providence:

Domain	Stars Key Data Points, Providence (n = 68)	%
Advertising	<b>Cigarette ads outside the store</b>	<b>46%</b>
Advertising	<b>E-cigarette ad outside the store</b>	<b>25%</b>
Product Type	<b>Cigarillos/little cigars sold</b>	<b>81%</b>
Product Type	<b>Flavored cigarillos/little cigars</b>	<b>13%</b>
Product Type	<b>E-cigarettes sold</b>	<b>50%</b>
Product Type	<b>Flavored E-cigarettes sold</b>	<b>25%</b>
Placement	<b>Cigarettes within 12 inches of toys, candy, or other products that appeal to kids</b>	<b>57%</b>
Retail Tobacco Type	<b>Convenience Store/small markets</b>	<b>65%</b>

Data: STARS data are based on 92 returned surveys, of which 68 stores had complete information and were included in the final analysis.

## **Consider Youth Tobacco Use in Rhode Island**<sup>4,5</sup>

- Current cigarette use among **all RI high school students** declined from 8.0% in 2013 to 4.8% in 2015—one of the lowest youth smoking rates in the country. Despite that fact, in 2015 approximately 1 in 4 RI high school youth (25.1%) reported current use of **any** tobacco/nicotine product (cigarettes, cigars, smokeless tobacco products, or e-cigarettes).
- Among **all RI high school students** e-cigarettes were the most commonly used tobacco/nicotine product (19.3%), followed by hookah (11.8%), cigars (8.4%), smokeless (5.3%), and cigarettes (4.8%).
- About one in five (20.7%) **non-cigarette smoking** RI high school students reported current use of at least one other tobacco or nicotine product. E-cigarettes (15.3%) were the most commonly reported product used among nonsmoking youth. Hookah use (9.2%) was the second most commonly used product, followed by cigars (4.4%) and smokeless tobacco (2.3%).
- Of those **non-cigarette smoking** youth who said they used only one product (12.6%), the most commonly used product was e-cigarettes (60.2%), followed by hookah (26.8%). Some youth reported using two or more types of tobacco/nicotine products. Of adolescents using 2 products (8.1%), e-cigarettes (95.1%) were most common, followed by hookah (68.6%).

**Given that most adult lifelong smokers started using tobacco in their youth, strengthening policies that reduce youth access to all tobacco and nicotine products, not just cigarettes, is an evidence-based strategy to prevent youth tobacco/nicotine initiation and use.**<sup>6</sup>

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<sup>1</sup> State and Community Tobacco Research. Standardized Tobacco Assessment for Retail Settings (STARS) Survey <http://www.sctcresearch.org/blog/standardized-tobacco-assessment-for-retail-setting/>.

<sup>2</sup> Center for Public Health Systems Science at the George Warren Brown School of Social Work at Washington University in St. Louis, Regulating Price Discounting in Providence, RI Innovative Point-of-Sale Policies: Case Study #1. October 2013.

<sup>3</sup> World Health Organization. WHO Report on the Global Tobacco Epidemic, 2011. Geneva: World Health Organization, 2011.

<sup>4</sup> Centers for Disease Control and Prevention. Youth Online. High School YRBS. Rhode Island 2015 Results. <https://nccd.cdc.gov/Youthonline/App/Results.aspx?LID=RI>

<sup>5</sup> Larson E, Pearlman DN. Use of emerging tobacco products among adolescents who do not smoke conventional cigarettes. *RI Med J.* 2016 Jun 1;99(6):45-7.

<sup>6</sup> Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

**City of Providence  
Tobacco Vendor  
Education Overview**

## **City of Providence Tobacco Vendor Education Overview**

The City of Providence Tobacco Vendor Education effort provides information and resources to all registered tobacco vendors in the City of Providence. The goal is to increase compliance with existing tobacco ordinances, particularly those related to youth sales including sales of “loosies” and flavored tobacco products. A letter from the Director of the Board of Licenses is sent to registered tobacco vendors in English and Spanish regarding:

- details of City of Providence tobacco-related ordinances,
- fine structures related to violations, and
- reminder of tobacco license renewal requirements.

In addition, in order to provide visual support of the non-compliant tobacco products in Providence’s tobacco ordinances, exhibits are provided giving descriptive examples of:

- non-compliant tobacco flavors (e.g. grape, cherry),
- the forms of tobacco and nicotine products to which the flavored ban applies (e.g. e-cigarettes, vapes), and
- tobacco coupons and price discounts (e.g. “1 free tin”, “\$2 off”).

Providence Healthy Communities Office staff provide follow-up visits to vendors to confirm receipt of the letter and share additional information about the tobacco-related ordinances and new trends in tobacco products. All tobacco product questions must be referred to the Board of Licenses for an official response and any related legal guidance.

**Vendor Education  
Letter Sample -  
English**





## CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

May 23, 2016

Dear Providence Tobacco Vendor,

As of December 2012, the sale of flavored tobacco and nicotine products and the redemption of tobacco coupons and multi-pack discounts and are banned in the City of Providence. As a licensed tobacco vendor, you are responsible for complying with these requirements in your retail establishment. Details of the bans, related bans, and the penalty and fine structures include:

**1. Ban on Non-Cigarette Flavored Tobacco Products.**

- a. All tobacco vendors in the City of Providence are prohibited from selling flavored tobacco or nicotine containing products. Smoking bars are exempt, as defined by Sec. 23-20.10-2(15) in RI general laws.
- b. **Flavored tobacco products include, but are not limited to** tastes or aroma relating to any fruit, chocolate, vanilla, honey, candy, cocoa, herb, spice, dessert, or alcoholic beverage. They do not include menthol, mint, or wintergreen flavors. *See Exhibit A for examples.*
- c. Tobacco products are any product containing tobacco or nicotine including, but not limited to: E-juices/liquids and cartridges for electronic devices (e.g. e-cigarettes, e-hookahs, vapes), cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus and dissolvable tobacco. *See Exhibit B for examples.*

**2. Ban on Coupon and Price Discounts.**

- a. All vendors selling tobacco in the City of Providence are prohibited from accepting or redeeming any coupon that provides any tobacco products or cigarettes for free or for less than the listed retail price. *See Exhibit C for examples.*
- b. Tobacco vendors are also prohibited from selling tobacco products or cigarettes at a multi-pack discount or buy down (E.g. buy two get one free). *See Exhibit C for examples.*

**3. Ban on Selling Individual Cigarettes or "Loosies".**

All vendors selling tobacco are prohibited from selling individual cigarettes, also known as "loosies".

**4. Penalties and Fines.**

The following penalties and fines are applied to violations of the above laws and are consistent with other violations, such as underage tobacco sales:

- **\$250.00** for the first offense
- **\$350.00** for the second offense
- **\$500.00** for any subsequent offense
- **Vendors with more than three (3) offenses may be subject to license revocation.**

### BOARD OF LICENSES

Providence City Hall | 25 Dorrance Street, Room 104, Providence, Rhode Island 02903



## CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

Please also consider this letter a reminder that your Providence tobacco vendor license must be renewed by January 31 of each year at the Board of Licenses in order for you to be in good standing with Providence's local tobacco license requirement for the new calendar year. If you are currently selling tobacco in Providence and do not have a local license you may be in violation of city law. Failure to obtain a license will result in a fine of \$500. License applications are available at [www.providenceri.com/license](http://www.providenceri.com/license). Click on "applications" and you will find "tobacco license" under the list of miscellaneous licenses.

If you have questions about any of these laws, you can contact the Board of Licenses at 401-680-5208.

Sincerely,

A handwritten signature in cursive script that reads "Serena Conley".

Serena Conley  
Director, Board of Licenses

### BOARD OF LICENSES

Providence City Hall | 25 Dorrance Street, Room 104, Providence, Rhode Island 02903

**Vendor Education  
Letter Sample -  
Spanish**



## CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

23 de mayo del 2016

Estimado vendedor de productos de tabaco de la Ciudad de Providence,

Desde Diciembre del 2012, la venta de productos de tabaco y nicotina con sabores, el uso de cupones de descuentos en productos de tabaco, y descuentos en paquetes múltiples están prohibidos en la Ciudad de Providence. Como vendedor autorizado de tabaco, usted debe cumplir con estos requisitos en su negocio de ventas. Los detalles de las prohibiciones, prohibiciones relacionadas, y las sanciones y multas por incumplimiento incluyen:

### 1. Prohibición de Productos (No Cigarrillos) de Tabaco con Sabores.

- a) Todos los vendedores de tabaco en la Ciudad de Providence tienen prohibido vender productos de tabaco o nicotina con sabores. Existe una exoneración para negocios designados como "smoking bars" de acuerdo con las leyes generales del Estado de Rhode Island, Sec. 23-20.10-2 (15).
- b) Los productos de tabaco con sabores incluyen, pero no se limitan a, sabores o aromas relacionados con cualquier fruta, chocolate, vainilla, miel, dulce, cocoa, hierba, especie, postre o bebida alcohólica. No incluyen los sabores de mentol, menta o wintergreen. *Vea Anexo A para más ejemplos.*
- c) Los productos de tabaco son cualquier producto que contenga tabaco o nicotina, incluyendo, pero no limitado a: E-jugos / líquidos y cartuchos para dispositivos electrónicos (por ejemplo, los cigarrillos electrónicos, pipas de agua y los vapes), puros, tabaco de pipa, tabaco de mascar, tabaco en polvo, tabaco de inmersión y tabaco soluble. *Vea Anexo B para más ejemplos.*

### 2. Prohibición de Cupones y Descuentos en los Precios.

- a) Todos los vendedores de tabaco en la Ciudad de Providence tienen prohibido aceptar o canjear cualquier cupón que ofrece productos de tabaco o cigarrillos sin costo alguno ó a un costo por debajo del costo regular del producto. *Vea Anexo C para ejemplos.*
- b) También se prohíbe la venta de productos de tabaco o cigarrillos a un precio descontado por la compra múltiple, o por promociones tales como "compre dos, reciba uno gratis." *Vea Anexo C para ejemplos.*

### 3. Prohibición de Vender Cigarrillos Individuales, Suetos o "Loosies".

Todos los vendedores de tabaco tienen prohibido vender cigarrillos individuales ó suetos, también conocidos como "loosies".

## BOARD OF LICENSES

Providence City Hall | 25 Dorrance Street, Room 104, Providence, Rhode Island 02903



## CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

#### 4. Sanciones y Multas.

Las siguientes sanciones y multas se aplican a violaciones de las leyes anteriormente mencionadas y son consistentes con otras violaciones, como la venta de tabaco a menores:

- \$ 250.00 por la primera ofensa
- \$ 350.00 por la segunda infracción
- \$ 500.00 por cualquier infracción subsiguiente
- Vendedores con más de tres (3) infracciones pueden perder su licencia.

Por favor también considere esta carta como un recordatorio de que su licencia de vendedor en Providence debe ser renovada ya para el 31 de Enero de cada año en la Oficina de Licencias para así mantener su licencia vigente y cumplir con los requerimientos de venta de productos de tabaco en la Ciudad de Providence durante el nuevo año. Si actualmente usted vende productos de tabaco en su negocio y no posee una licencia local podría estar en violación de las leyes de la ciudad. El fallar en obtener una licencia resultara en una multa de \$500. Aplicaciones de esta licencia pueden ser encontradas en el sitio web [www.providenceri.com/license](http://www.providenceri.com/license). Las encontrara bajo la palabra "applications" y busque "tobacco license" que se encuentra en la lista diversa de licencias.

Si tiene alguna pregunta sobre estas leyes, puede contactar la Oficina de Licencias al (401) 680-5208.

Atentamente,

Serena Conley  
Directora de la Oficina de Licencias

### BOARD OF LICENSES

Providence City Hall | 25 Dorrance Street, Room 104, Providence, Rhode Island 02903

**Vendor Education**  
**Exhibits**  
**Sample**

# EXHIBIT A: EXAMPLES OF FLAVORED TOBACCO PRODUCTS

## ANEXO A: EJEMPLOS DE LOS PRODUCTOS DE TABACO CON SABORES



# EXHIBIT B: EXAMPLES OF TOBACCO PRODUCTS

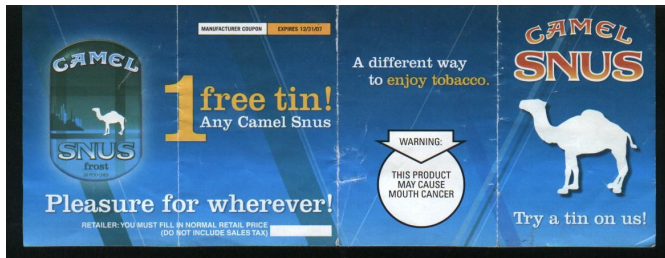
## ANEXO B: EJEMPLOS DE LOS PRODUCTOS DE TABACO





# EXHIBIT C: EXAMPLES OF COUPONS AND PRICE DISCOUNTS

## ANEXO C: EJEMPLOS DE LOS CUPONES Y DESCUENTOS EN LOS PRECIOS



**City of Providence  
Tobacco  
Enforcement  
Overview**

## **City of Providence Tobacco Enforcement Overview**

### Enforcement Check Overview

The City of Providence Police Department conducts tobacco vendor enforcement checks to determine a vendor's compliance with local and state laws and regulations. Enforcement checks are conducted in collaboration with the Providence Healthy Communities Office and Board of Licenses. These checks are unannounced, and usually involve undercover officers. Depending on the type of check being done, an officer might have the assistance of youth also working undercover.

The City of Providence often utilizes standard enforcement evaluation forms (e.g. Synar Plus) to collect compliance information in collaboration with state agencies (e.g. RI Department of Health, RI Department of Behavioral Healthcare, Developmental Disabilities and Hospitals). All visits, regardless of compliance outcome, are documented on these standard forms and enforcement data is used to develop tobacco point of sale trend reports. Any violations resulting from these checks are documented and the appropriate incident reports and citations are developed by the Providence Police Department. Violation information is shared with the Board of Licenses for review and hearings (*See Section 2: Licensing for more information*).

### Youth Recruitment and Training

Underage sale compliance checks are conducted with youth surveyors to check vendors' compliance with regulations that prohibit the sale of tobacco products to minors and also ban the sale of flavor tobacco products in Providence. The Providence Police Department trains youth surveyors to pose as undercover tobacco buyers at retail stores. The set of steps described in this section is intended to provide an example of how Providence recruits and trains youth for underage checks.

### Providence Incident Report

The Providence Police Department Incident Report documents the factual details of a criminal incident. Written by the police officer(s) who investigate the incident, it describes the "who, what, why, when and how" of an incident. These reports are used to determine whether charges are filed against a vendor for non-compliance. They are also utilized during the Board of Licenses vendor hearings for violations.

### Synar Plus

The Synar Plus is a local evaluation tool, based off of the federal Synar evaluation tool, the Providence Police Department to record tobacco vendors' compliance with local/state laws and regulations related to tobacco products. The information gathered for the Synar Plus checks can help cities and states describe and analyze needs for tobacco control program enhancements. The City of Providence collaborates with the RI Department of Health for Synar Plus checks including random sampling of licensed vendors, Synar Plus form modifications to address local regulations (e.g. flavored tobacco bans), and analysis of results.

### Citation Form

An Enforcement Citation Form is a Notice of Understanding that said retailer is being accused of having violated local/states laws and or regulations. In the case of violations related to tobacco products, these violations will be given immediately after the violation has occurred. This form for the vendor contains the "who, what, why, when and how" information of the violation.

### Underage Sale Violation Procedures

Explains the process by which underage sale violations are referred not only to the Board of Licenses, but also to RI District Court since selling to underage individuals post a violation to state regulations.

# **Enforcement Check Procedures**

## Enforcement Check Procedures

### Schedule

- Schedule time and date for check to be completed.
- Take into consideration hours of operation at locations to be checked.
- Arrange location to meet with youth.

### Prepare

- Meet with youth and make sure that they DO NOT possess any tobacco products.
- Provide funds to youth for check.
- Respond to each location that was selected for a check.

### Check

- Scan area of establishment for any potential dangers.
- Always have two officers/investigators present to conduct compliance checks.
- Officers should place themselves where they can maintain visual contact of youth without alerting establishment of their presence.

# **Youth Recruitment & Training**

## Youth Recruitment & Training

### Recruitment

- Youth are presently recruited from the Providence Police Explorers Program.
- They are mostly Providence residents.

### Protocol

- Youth are trained in proper protocol for conducting compliance checks.
- Youth needs to give true age when asked by vendor, dress and speak as they normally would.

### Training

- Train the youth in proper techniques on gathering descriptive data of person who sold them tobacco product (Name tag, height, weight, approximate age, hair color, eye color, gender, physical description, build, clothing, tattoos, any other distinguishing factors).
-



# **Incident Report & Citation**

# Providence Incident Report

## Summary

Print Date/Time: 11/17/2015 19:42  
 Login ID: dtejada  
 Case Number: 2015-00117336

Providence Police Department  
 ORI Number: RI0040900

### Case

Case Number: 2015-00117336	Incident Type: License Violation
Location: ██████████ Providence, RI	Occurred From: 11/05/2015 16:33
Reporting Officer ID: 9623 - Shields	Occurred Thru: 11/05/2015 16:33
	Disposition:
	Disposition Date:
	Reported Date: 11/05/2015 16:33 Thursday

### Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
-----	-----------	------------	---------	-------------	--------

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
------	-----	------	---------	-------	------	-----	---------

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
------------	------	---------	-----------	------	-----

### Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

### Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
-----	------	--------------	------	------	-------	-------	---------------	-------

## Original Report

On 11/5/15 Sgt. Tejada along with Detective Shields utilized a 17 year old underage assistant (DC) in an attempt to purchase tobacco products from various stores in the city of Providence. (DC) has been trained in the proper protocol to conduct such checks. At approximately 1633 Hrs (DC) entered [REDACTED] and was able to purchase a Game Blue cigarillo from the female clerk without being asked age or for identification. (DC) exited the store and turned the cigars over to Sgt. Tejada which will be held as evidence. The clerk, [REDACTED], was advised of the violation.

A 6th District Summons was issued to [REDACTED] for Sale of Tobacco to a Minor which has an option to pay a \$250.00 Fine by mail within 10 days.

Copy of the report will be forwarded to the Law Department for referral to the Board of Licenses.

The City of Providence provides tobacco vendor education to retail stores to support compliance with local ordinances. Recent education with this vendor includes:

12/28/16: In-store direct vendor education with City of Providence- Healthy Communities Office staff member.

2/14/17: Tobacco vendor education letter from Licensing Administrator mailed to store explaining local ordinances and tobacco license requirements.



Check ONE box



### SYNAR-PLUS CITATION FORM

TO ENSURE COMPLIANCE WITH POLICIES PROHIBITING SALE OR DISTRIBUTION OF TOBACCO PRODUCTS

Please complete for each store where violation occurred.

Vendor name:

Vendor address: [REDACTED]

Incident:  No  Yes IF YES: Date 11/5/15  
 Citation given:  No  Yes IF YES: Date 11/5/15  
 Police Report Filed:  No  Yes IF YES: Date 11/5/15

↓ GO TO TABLE

Offense (Check one box)	Violation (Check all that apply)	Adjudication Action Board of Licenses/ Municipal Court (Check one box)	Adjudication Action District Court
<input checked="" type="checkbox"/> 1 <sup>st</sup> Offense <input type="checkbox"/> 2 <sup>nd</sup> Offense <input type="checkbox"/> 3 <sup>rd</sup> Offense <input type="checkbox"/> Subsequent Offense	<input checked="" type="checkbox"/> Operating without local license <input checked="" type="checkbox"/> Sold to youth (including ecigs) <input type="checkbox"/> Loosie/single sold <input type="checkbox"/> Coupons/Discount <input type="checkbox"/> Flavors	<input checked="" type="checkbox"/> Warning <input type="checkbox"/> Fine <input type="checkbox"/> License suspension <input type="checkbox"/> License revocation <input type="checkbox"/> Other [Fill in]: _____	<input type="checkbox"/> Dismissed <input checked="" type="checkbox"/> Fine \$ <u>250.00</u> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Other [Fill in]: _____

# **Underage Sale Violation Procedures**

## Underage Sale Violation Procedures

### Seize

- Youth makes purchase and returns immediately to police and confirm underage sale.
- Obtain detailed description of sales clerk that completed transaction (from youth).
- Police return to establishment.

### Check

- Obtain positive ID from clerk that sold tobacco product.
- Check state and local licenses and confirm that all are valid.
- Issue 6th District Court State Summons to establishment: business has option to pay by mail or appear in court to contest the charge (sales clerk is not charged).

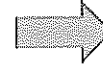
### Record

- Gather any other relevant data, check for any other violations.
  - Compile incident report to include all information gathered.
  - Forward report to City Solicitor/Prosecutor for referral to local Licensing body.
-

# **Filled Synar Plus Form Sample**



Check ONE box



# SYNAR-PLUS REPORT FORM

TO ENSURE COMPLIANCE WITH POLICIES PROHIBITING SALE OR DISTRIBUTION OF TOBACCO PRODUCTS

Date of report  01  /  01  /  2017   
Month Day Year

Name of law enforcement official:  [REDACTED]

Vendor name:  [REDACTED]

Vendor address:  [REDACTED]

### Check type:

Current local retail license?

No

Yes

License compliance re-check  pass  fail

Not applicable to my city/town

Youth Buy

Adult

### Site Status

Review completed

No  Yes

### If site inspection was NOT completed [Check ONE box]

Unable to locate

In operation, but closed at time of visit (Re-inspect)

Store is closed (temporary/seasonal)

Presence of police

Unsafe to access

Under age 18 not allowed to enter

No public entry (private club)

Tobacco products no longer sold

Youth inspector knows salesperson

Out of business

### Type of establishment [Check ONE box]

Supermarket/Grocery Store

Convenience Store with or without gas  
(e.g., 7-Eleven, Exxon)

Department/Discount Store  
(e.g., Family Dollar)

Drug store/Pharmacy  
(e.g., Walgreens, Rite Aid)

Bar/Lounge/Pub

Beer, Wine or Liquor Store

Smoke Shop

Hookah Bar

Vape Shop

Other (fill in): \_\_\_\_\_

**TURNOVER →**



# SYNAR-PLUS REPORT FORM

## Youth Information (if applicable):

1) Date of birth:   08  /  15  /  98   Sex:  Male  Female  
month/day/year

2) Date of birth:       /      /       Sex:  Male  Female  
month/day/year

---

### 1. Product attempted to purchase [Check ONE box]

Electronic cigarettes (ecig)

Cigarillos/ Little cigars

Hookah tobacco

Product Brand \_\_\_\_\_

Large cigars

Loosies

Chew, moist or dry snuff, dip or snus

Other \_\_\_\_\_

### 2A. IF YOUTH BUY

Did the clerk sell tobacco products to youth?

Yes {Go to Q3} \_\_\_\_\_

No {End of survey}

Not a youth buy {Go to Page 3}

### 2B. IF ADULT BUY

Product purchased \_\_\_\_\_

{Go to Q3}

Product Unavailable/Not Sold

Product Not Sold {Go to Page 3}

### 3. Is the product clearly labeled as flavored?

No {Go to Q4}

Yes {Go to Q4}

### 4. Did the store redeem price promotions?

No {Go to Page 3}

Yes {Go to Q4A}

Not applicable to my city/town

### 4a. IF YES: What promotions? [Check ALL that apply]

Coupon to redeem

Multi-pack discount (buy-one, get-one free)

Special value, or discount, or sale price, or trial price

Cross-product promotion with cigarettes

**GO TO PAGE 3 →**



Check ONE box



### SYNAR-PLUS CITATION FORM

TO ENSURE COMPLIANCE WITH POLICIES PROHIBITING SALE OR DISTRIBUTION OF TOBACCO PRODUCTS

Please complete for each store where violation occurred.

Vendor name: [REDACTED]  
Vendor address: [REDACTED]

Incident:  No  Yes IF YES: Date 01/01/2017  
Citation given:  No  Yes IF YES: Date \_\_\_\_\_  
Police Report Filed:  No  Yes IF YES: Date \_\_\_\_\_



GO TO TABLE

Offense (Check one box)	Violation (Check all that apply)	Adjudication Action Board of Licenses/ Municipal Court (Check one box)	Adjudication Action District Court
<input type="checkbox"/> Warning <input checked="" type="checkbox"/> 1 <sup>st</sup> Offense <input type="checkbox"/> 2 <sup>nd</sup> Offense <input type="checkbox"/> 3 <sup>rd</sup> Offense <input type="checkbox"/> Subsequent Offense	<input type="checkbox"/> Operating without local license <input checked="" type="checkbox"/> Sold to youth (including ecigs) <input type="checkbox"/> Loosie/single sold <input type="checkbox"/> Coupons/Discount <input type="checkbox"/> Flavors	<input type="checkbox"/> Warning <input checked="" type="checkbox"/> Fine <input type="checkbox"/> License suspension <input type="checkbox"/> License revocation <input type="checkbox"/> Other [Fill in]: _____	<input type="checkbox"/> Dismissed <input checked="" type="checkbox"/> Fine <input type="checkbox"/> Not Applicable <input type="checkbox"/> Other [Fill in]: _____

# **Blank Synar Plus Form**



Check ONE box



# SYNAR-PLUS REPORT FORM

TO ENSURE COMPLIANCE WITH POLICIES PROHIBITING SALE OR DISTRIBUTION OF TOBACCO PRODUCTS

Date of report \_\_\_\_/\_\_\_\_/\_\_\_\_  
Month Day Year

Name of law enforcement official: \_\_\_\_\_

Vendor name:

Vendor address:

### Check type:

- Current local retail license?**
- No
- Yes
- License compliance re-check  pass  fail
- Not applicable to my city/town
- Youth Buy**
- Adult**

### Site Status

- Review completed
- No  Yes

### If site inspection was NOT completed [Check ONE box]

- Unable to locate
- In operation, but closed at time of visit (Re-inspect)
- Store is closed (temporary/seasonal)
- Presence of police
- Unsafe to access
- Under age 18 not allowed to enter
- No public entry (private club)
- Tobacco products no longer sold
- Youth inspector knows salesperson
- Out of business

### Type of establishment [Check ONE box]

- Supermarket/Grocery Store
- Convenience Store with or without gas (e.g., 7-Eleven, Exxon)
- Department/Discount Store (e.g., Family Dollar)
- Drug store/Pharmacy (e.g., Walgreens, Rite Aid)
- Bar/Lounge/Pub
- Beer, Wine or Liquor Store
- Smoke Shop
- Hookah Bar
- Vape Shop
- Other (fill in): \_\_\_\_\_

**TURNOVER →**

# SYNAR-PLUS REPORT FORM

## Youth Information (if applicable):

1) Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex: [ ] Male [ ] Female  
month/day/year

2) Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex: [ ] Male [ ] Female  
month/day/year

---

### 1. Product attempted to purchase [Check ONE box]

- |   |  |
|---|--|
| <input type="checkbox"/> Electronic cigarettes (ecig) | <input type="checkbox"/> Large cigars                          |
| <input type="checkbox"/> Cigarillos/ Little cigars    | <input type="checkbox"/> Loosies                               |
| <input type="checkbox"/> Hookah tobacco               | <input type="checkbox"/> Chew, moist or dry snuff, dip or snus |
| <input type="checkbox"/> <b>Product Brand</b> _____   | <input type="checkbox"/> Other _____                           |

### 2A. IF YOUTH BUY

#### Did the clerk sell tobacco products to youth?

- [ ] Yes {Go to Q3} \_\_\_\_\_  
[ ] No {End of survey}  
[ ] Not a youth buy {Go to Page 3}

### 2B. IF ADULT BUY

#### Product purchased \_\_\_\_\_

- {Go to Q3}  
[ ] Product Unavailable/Not Sold  
[ ] Product Not Sold {Go to Page 3}

### 3. Is the product clearly labeled as flavored?

- [ ] No {Go to Q4}  
[ ] Yes {Go to Q4}

### 4. Did the store redeem price promotions?

- [ ] No {Go to Page 3}  
[ ] Yes {Go to Q4A}  
[ ] Not applicable to my city/town

### 4a. IF YES: What promotions? [Check ALL that apply]

- [ ] Coupon to redeem  
[ ] Multi-pack discount (buy-one, get-one free)  
[ ] Special value, or discount, or sale price, or trial price  
[ ] Cross-product promotion with cigarettes

**GO TO PAGE 3 →**



Check ONE box



## SYNAR-PLUS CITATION FORM

TO ENSURE COMPLIANCE WITH POLICIES PROHIBITING SALE OR  
DISTRIBUTION OF TOBACCO PRODUCTS

Please complete for each store where violation occurred.

Vendor name:

Vendor address:

Incident:             No         Yes    IF YES: Date \_\_\_\_\_

Citation given:    No         Yes    IF YES: Date \_\_\_\_\_

Police Report Filed:  No         Yes    IF YES: Date \_\_\_\_\_



**GO TO TABLE**

Offense (Check one box)	Violation (Check all that apply)	Adjudication Action Board of Licenses/ Municipal Court (Check one box)	Adjudication Action District Court
<input type="checkbox"/> Warning <input type="checkbox"/> 1 <sup>st</sup> Offense <input type="checkbox"/> 2 <sup>nd</sup> Offense <input type="checkbox"/> 3 <sup>rd</sup> Offense <input type="checkbox"/> Subsequent Offense	<input type="checkbox"/> Operating without local license <input type="checkbox"/> Sold to youth (including ecigs) <input type="checkbox"/> Loosie/single sold <input type="checkbox"/> Coupons/Discount <input type="checkbox"/> Flavors	<input type="checkbox"/> Warning <input type="checkbox"/> Fine <input type="checkbox"/> License suspension <input type="checkbox"/> License revocation <input type="checkbox"/> Other [Fill in]: _____	<input type="checkbox"/> Dismissed <input type="checkbox"/> Fine <input type="checkbox"/> Not Applicable <input type="checkbox"/> Other [Fill in]: _____

# **Synar Plus Data Summary Sample**



## **Providence Synar Plus Data Summary**

### Overview

***Synar.*** Enforcement of laws prohibiting tobacco sales to minors is a key part of comprehensive tobacco control.

***Synar Plus.*** Synar Plus extends Rhode Island's Synar Program. The Rhode Island Department of Health is funding the cities of Cranston, Providence, and Woonsocket and the Charlestown towns of Charlestown, Richmond, and Hopkinton to conduct enforcement checks of a random sample of stores to see if emerging tobacco products (electronic cigarettes, little cigars and cigarillos, hookah tobacco, smokeless tobacco products, etc.) are being sold to youth under age 18 and to adults.

***Tobacco enforcement matters.*** A key component of the grant is to create a system to capture all tobacco-related enforcement actions in a user friendly database for tobacco enforcement officers to use beyond grant funding. Novel and niche tobacco products are popular with young people. In 2015, about one in five (20.7%) RI youth who did not smoke conventional cigarettes reported using at least one other tobacco product. Many young people, however, believe that emerging tobacco products are less harmful than cigarettes. Yet novel tobacco, nicotine and related products may act as a 'gateway' to cigarette smoking for young people who would not take up smoking otherwise.<sup>1</sup>

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<sup>1</sup> Nolte E et al. Availability, accessibility, usage and regulatory environment for novel and emerging tobacco, nicotine or related products. RAND Corporation. Santa Monica, CA. December 2012.

[http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR200/RR211/RAND\\_RR211.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR200/RR211/RAND_RR211.pdf)



## Key Findings

Over five months Providence law enforcement completed 219 Synar Plus reports. Of these reports, 123 stores had one enforcement check and 96 stores were checked more than once. This report summarizes information from the 219 Synar Plus reports and includes duplicate stores.

### *Enforcement checks (n = 219)*

- 131 youth buy enforcement checks (59.8%)
- 85 adult buy enforcement checks (38.8%)
- 3 types of check not known (1.4%)
  - Most likely adult checks

### *Site review completed (n = 219)*

- Yes: 84.9% (n = 186)
- No: 13.7% (n = 30)
- Unknown: 1.4% (n = 3)

#### *Reasons site inspection not completed (n = 30)*

- Out of business or store closed 50.0% (n = 15)
- Tobacco not sold 6.7% (n = 2)
- Unable to locate or unsafe 6.7% (n = 2)
- Under 18 not allowed 6.7% (n = 2)
- Re-inspect 26.7% (n = 8)
- Not known 3.3% (n = 1)

### *Establishments checked (n = 189)*

- Convenience stores: 61.9% (n = 117)
- Liquor stores: 16.4% (n = 31)
- Supermarkets: 10.1% (n = 19)
- Drugstores: 2.1% (n = 4)
- Bar/Smoke shop 3.7% (n = 7) [Bar (2); Smoke shop (3); Hookah Bar (2)]
- Discount stores: 3.7% (n = 7)
- Other: 0.5% (n = 1) [Restaurant]

**If youth buy (n = 119)**

Product attempted to purchase

- E- cigarettes: 56.3% (n = 67)
- Little cigars 41.2% (n = 49)
- Not known 2.5% (n = 3)

*Removed 2 cases that youth should not have accessed business (hookah bar and bar) and 1 case was a convenience store with no data.*

Sold to youth (n = 116)

- No 92.4% (n = 107)
- Yes 4.3% (n = 5)
- Not known/blank 3.4% (n = 4)

✓ *Stores that sold to youth (n = 5):*

██████████	(Convenience store)
██████████	(Convenience store)
██████████	(Supermarket)
████████████████████	(Supermarket)
██████████	(Convenience store)

*Product labeled flavored (n = 5)*

- Yes 20% (n = 1) [blu-menthol]

**Please check (yes/no)** whether or not the clerk sold a tobacco product to youth or to an adult to better understand if the product attempted to buy was labeled as flavored.

*Store redeemed price promotions (n = 5)*

- No 100% (n = 5)
  - ✓ Store did not sell to youth (n = 107)
  - ✓ Not Applicable (n = 3)
  - ✓ Not known (n = 1)

Please leave this question blank on price promotion **only** if clerk did not sell tobacco product to youth or adult.

**If adult buy (n = 71)**

Product attempted to purchase

- E- cigarettes: 100% (n = 71)

Sold flavored product (n = 71)

- Not Applicable/ not available 69.0% (n = 49)
- No 15.5% (n = 11)
- Yes 15.5% (n = 11)

✓ *Stores that sold flavored product (n = 11):*

██████████	(Convenience store)
██████████████████	(Convenience store)
██████████████████	(Convenience store)
██████████	(Convenience store)
██████████████████	(Convenience store)
██████████████	(Convenience store)
██████████████████	(Convenience store)
██████████	(Convenience store)
██████████████████	(Supermarket)
██████████████	(Liquor store)
██████████████	(Hookah Bar)

*Product labeled flavored (n = 11)*

- Yes **90.9%** (n = 10)

**Data unclear:** Some observations indicate that a product was N/A and some are left blank but for both scenarios the product label for flavor is reported as a ‘yes’.

*Store redeemed price promotions (n= 11)*

- No 72.7% (n = 2)
- Blank (n = 9)

For questions or comments contact:

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