

Executive Order 19-09

Directing State Agencies to Take Immediate Action to Address the Vaping Public Health Crisis

Educational Outreach Guidance and Protocol

INTRODUCTION:

On October 4, 2019, Governor Brown issued Executive Order 19-09 (EO 19-09), which banned the sale of all flavored inhalant delivery systems for 180 days. The Oregon Health Authority is responsible for promulgating emergency, temporary rules to protect Oregonians from the harms associated with vaping products. The rules are effective October 15, 2019-April 11, 2020.

To ensure that retailers of vaping products have the necessary information to understand EO 19-09, the temporary rules and how to comply, in coordination with public health partners, OHA-PHD will be conducting widespread educational outreach to all known tobacco and vaping product retailers in the state starting the week of October 14, 2019. In addition, unannounced undercover buy inspections (referred to as “secret shopper” inspections) will be conducted among a sample of known tobacco retailers statewide.

OHA-PHD will train all retail educators and inspectors through a series of webinars. Educator webinars are scheduled for October 15 and 16, 2019 and will be recorded. The recording will be available online on October 17 and a link emailed when available. Inspector training webinar dates are TBD.

IMPLEMENTATION PHASES

There are two phases of implementation: Phase 1, retailer education; and phase 2, retailer inspections. This document lays out the protocol for phase 1 only. The protocol for phase 2 will be delivered in coming weeks.

PHASE 1

RETAILER EDUCATIONAL OUTREACH consists of immediate contacts with retailers in the state. Contact will occur within three (3) weeks of the rules’ effective date: October 16-November 8, 2019.

During phase 1, retailer educators will provide basic education about the executive order and distribute materials to help retailers understand and comply. Educators are not conducting inspections during this phase.

PROTOCOL FOR PHASE 1, RETAILER EDUCATION VISITS **EDUCATOR PROTOCOL**

What you need to carry with you:

- a. Identification
- b. A copy of the retailer list for your county (OHA will provide)
- c. Copies of the retailer letter to leave with each retailer (OHA will provide)

- d. Copies of the vaping warning sign and sales ban poster to leave with each retailer (OHA will provide)
- e. A copy of the Executive Order
- f. A copy of the temporary administrative rules
- g. A copy of the most recent FAQ
- h. A copy of contact information for questions for the Governor's office

You can access e-h at www.healthoregon.org/vaping.

How to conduct the visit

1. Visit locations during regular business hours
2. When you arrive, confirm the address and business name match what is on the list
 - a. If it does not match, within two-business days, use the online system (link below) to update the address and/or name to report the change.
3. **If you suspect that the retailer is owned by a federally recognized Oregon tribe or is on tribal land, please ask the retailer to confirm this information. If the retailer is operated and/or owned by a federally recognized Oregon tribe, please write this in the comments of the OHA-provided list and do not conduct the visit.**
4. Enter the premises and identify yourself, use the OHA-provided script to speak
5. Leave the retailer letter and poster with the retailer
6. Refer to the FAQ to answer questions or refer retailer to the website (www.healthoregon.org/vaping).
7. Exit the premises, check-off the location on the OHA-provided list confirming that the visit was completed, and enter all other information required for the visit on the OHA-provided list.
 - a. Information includes if the retailer sold vape products, if they sold flavored vape products, if there were updates to the name or address of the business and notes on if you could not complete the visit and why.
8. Continue to the next retailer.
9. If you visit a retailer that is not on the OHA-provided list, use an OHA-provided blank form to gather required information, including the business name and address.
10. Within two business days of a retailer visit, enter the results on the in the online survey system (link below).
 - a. Use the web address: <https://www.surveygizmo.com/s3/5269222/Vape-Retailer-Educational-Visits> to enter data.
 - i. Use the retailer ID to enter data for a specific retailer (retailer ID is located on the paper form).
 - ii. Enter all information collected on the OHA-provided list into the online system.
 - iii. The online survey will automatically prompt you to enter the next retailer ID; continue entering data until all retailers are complete.
 - iv. When done, close your internet browser to conclude data entry.

- v. **Note:** once you start entering a retailer you need to complete entering data. You will not be able to update data once entered. If there are data entry issues, please email issues to HPCDP.Surveillance@dhsosha.state.or.us
 - b. For retailers not on the OHA-provided list use the web address <https://www.surveygizmo.com/s3/5271513/Educational-Visits-NEW-RETAILER-FOUND> to enter data.
 - i. Follow the same entry protocol as provided for the OHA-provided list. Note that there will be no retailer ID, but you will be required to enter the business name and address.
11. Please maintain paper forms and either mail or scan and email to HPCDP.Surveillance@dhsosha.state.or.us when you have completed all educational visits.

Questions and answers

Q: What materials will OHA mail to me?

A: For each retailer on the list, OHA will mail you a copy of the letter and a copy of the poster. You will distribute one copy of each to each retailer. If a retailer requests more posters, let them know that they can download and print posters from www.healthoregon.org/vaping by going to the “for retailers” section.

Q: Are retailers required to hang the poster?

A: The rules do not require retailers to hang the poster. OHA encourages retailers to use the poster to communicate to customers about the ban and let them know where they can access free assistance to quit vaping.

Q: What if the retailer has flavored products on display? Is that allowed?

A: The rules do not prohibit retailers from displaying products, however, retailers should not display flavored vaping products in a manner that indicates they are being offered for sale.

Q: Will OHA be seizing any products as part of the enforcement of the rules?

A: No. OHA will NOT seize products from tobacco and vaping product retailers. Retailers should contact law enforcement if anyone attempts to seize products.

Q: What happens if the retailer tells the educator to leave the store?

A: Your safety is of the utmost importance. If the retailer asks you to leave, leave. Once you’ve left the premises, record the result of the visit and report the incident to OHA using the online form. If you are in danger, call the police.

Q: Will retailer signature be required after education visit?

A: No. You do not need to collect a signature. You are only delivering materials and information.