

Smoke Shop Inspections Checklist

This checklist is a tool for Local Public Health Authority (LPHA) staff conducting unannounced inspections of smoke shops certified under OAR 333-015-0068. Contact your HPCDP liaison if you have questions about the smoke shop's certification or preparing for the visit.

A – Preparing for the inspection

Step 1. **Verify the smoke shop's current status by reviewing each of the following columns in the WEMS exempt business list:**

- Exempt Certification Status:** Conduct inspection if status is listed as "Certified."
- Exempt Certification Type:** This tells you which portion of the rules the smoke shop has been certified under, which enables you to determine the types of violations to check for during the inspection. The options for smoke shops are Smoke Shop A, B, or C. (Cigar bar is another certification type that may be noted in this column in WEMS. However, cigar bars are not subject to unannounced inspections.)
- Cigarette Smoking Allowed:** If there is a "no" in this column for the smoke shop, the smoke shop must post signs prohibiting cigarette smoking, and the smoke shop may not allow cigarette smoking on the premises. OHA determines whether cigarette smoking is allowed based on financial documentation submitted by the business. In order to allow cigarette smoking, at least 75% of gross revenues for the business must be derived from the sale of cigarettes. This applies only to Smoke Shop categories B and C.

Step 2. **Determine which form to use.**

- a) Is the visit in response to a complaint submitted into WEMS from the public?
- If yes, use "Smoke Shop – Complaint Response" (forms OHA 2604-2606).
 - If no, use "Smoke Shop Inspection" form for an unannounced inspection to determine compliance with the ICAA (forms OHA 2607-2609).
- b) Is the complaint date or the date of the unannounced inspection within three years of a previous remediation plan completion, or a citation (refer to the date of Final Order, or date penalty paid if there was a settlement agreement – check with state TPEP if there are questions)?
- If yes, use Form 3 - Post-Remediation-Plan Visit (OHA 2606 or 2609)
 - If no, use one of the following forms:
 - Use Form 1 for the initial visit (OHA 2604 or 2607), or
 - Use Form 2 if conducting a follow-up visit within 30 days of a remediation plan due date (OHA 2605 or 2608)

Step 3. **(Skip this step for a site visit triggered by a complaint from the public.) Create and process a new record in WEMS for an unannounced inspection by completing the following steps:**

- Go to the online complaint entry form at <https://apps.state.or.us/wems/complaintForm.wems>.
- Select County and enter the name of the smoke shop.
- In the complaint text box, enter "Smoke shop inspection".
- Select smoke shop from the "type of business" drop down.
- Enter the smoke shop address and phone.

- Click “Done” (Do not enter “Your Contact Information”).
- Log in to WEMS. The new record for the smoke shop will appear in your Action Items under “complaints not matched with business.”
- Click on the Complaint ID number and then go through the next steps in WEMS to match existing business with the complaint, and associate business with the complaint.
- In Step 5 – Determine Complaint’s Actionable Status, for Nature of Complaint select “Other,” and select yes for “Is complaint actionable.”
- For both Step 5 and Step 6, click “done” after checking to be sure all the information looks correct. The complaint record created for the inspection will appear under Site Visit Due in your WEMS Action items.

Step 4. **Gather supplies for the visit, including:**

- Site visit form (See Step 2 above)
- Clipboard
- Tape measure
- Camera
- ICAA no-smoking within 10 feet decals (**Note:** Certified smoke shops are not required to post no-smoking within 10-foot decals. However, as a means of preventing people from smoking outdoors within the 10-foot setback distance, they may voluntarily post the decals in addition to the signs that are required for smoke shops under OAR 333-015-0040(5)).

Step 5. Plan the date and time of your visit. It is recommended to check online for the smoke shop’s hours of operation, as some smoke shops may only be open during evening hours.

B- Conducting the inspection

For guidance on how to determine if a violation is observed, refer to Smoke Shop Inspection Form Instructions.

Step 1. Observe the outside of the premises to determine if any required signage is missing or not clearly visible, or if there are any violations of the 10-foot setback rule. Note any violations on the Site visit form.

Step 2. Upon entering the smoke shop, do a quick visual scan for any apparent violations.

Step 3. Find the Person in Charge (PIC) and introduce yourself by name, title and agency name. Explain the purpose of your visit, which would be either: a) conducting a site visit in response to a complaint of violation of the Oregon Indoor Clean Air Act, or b) conducting an unannounced inspection of the smoke shop on behalf of the Oregon Health Authority to determine compliance with the Indoor Clean Air Act and the smoke shop’s certification requirements.

Step 4. Conduct a complete walk-through of the premises with the PIC, including any areas that may be off-limits to customers.

Step 5. Complete and sign the site visit form, leaving the PIC copy with the PIC.

C- Documenting the inspection in WEMS

- Click the Complaint ID number for the smoke shop under “Site Visit Due” in WEMS action items.
- Follow the usual process to enter the visit date and record if a violation was observed.
- Enter detailed notes of observations in “County Comments” box.

Note: If you select yes for “Violation found” after an initial site visit or inspection, a Remediation Date will automatically appear in WEMS after you click “Save.” The complaint record will move to Remediation Plan Follow-up Visit Due in WEMS action items. If the type of violation observed did not warrant development of a remediation plan with the smoke shop, contact your liaison to correct this in WEMS.

D – Forwarding documentation to OHA

a) If violations were not observed:

- Email a scanned copy of site visit/ inspection form to your liaison within 5 business days after each visit, to be saved in the smoke shop certification file at OHA. Keep the original in your hard-copy file.

b) If a violation was observed on a visit using Form 1:

- If the only violations observed are the types listed under the Remediation plan column, email a scanned copy of the site visit/ inspection form to your liaison within 5 business days after the visit, to be saved in the smoke shop certification file at OHA.
- If any violations other than the type listed under the Remediation plan column are observed, forward original copy of inspection form along with any supporting documentation (such as photographs) for review by OHA for further enforcement activity.

c) If a violation was observed on a visit using Form 2 or 3:

- Forward original copy of inspection form and other documentation to OHA within 5 business days for review and further enforcement activity.