

Naylor, Racquel (CI-StPaul)

From: Jeanne Weigum <jw@ansrmn.org>
Sent: Friday, January 22, 2021 2:13 PM
To: #CI-StPaul_Council
Subject: Testimony re: Twin Market and Meat, 1055 4th Street.
Attachments: Stop Sales to Minors 2020 Factsheet FINAL (1).pdf; thune death sentence.pdf; SaintPaul_Guide-for-Complying_FlavoredTobacco (1) (3).pdf; ANSR_Menthol_Postcard.pdf; SaintPaul_Guide-for-Complying_FlavoredTobacco.pdf; Postcard Front_Back Combo_Cigar Pricing.pdf

Think Before You Click: This email originated **outside** our organization.

Association for Nonsmokers – Minnesota

2395 University Avenue West

Saint Paul, MN 55114

jw@ansrmn.org

January 22, 2021

Council President Amy Brendmoen and members of the City Council:

We are writing to support an upward departure of the tobacco license penalty for Twin Market and Meat, 1055 4th Street.

The Saint Paul ordinance related to the sale of flavored tobacco is clear and this ordinance is obeyed by the vast majority of Saint Paul tobacco vendors. To ignore the repeated misdeeds of this license holder is a slap in the face of the hundreds of vendors who uphold the law.

This vendor's violations are not simple mistakes. He has repeatedly stocked illegal products including at least one example of an untaxed product. He hides the products so they are not easily observed, thus demonstrating that he knows the law, but chooses to find ways to circumvent it.

Ignorance of the law cannot be claimed in this case. Saint Paul DSI has met personally with the store owner to educate him about the city's requirements, as the complaint documents. Further, ANSR has sent all licensed vendors print materials that inform vendors what products are legal and which are not. These materials are graphic with easy to understand pictures so people with limited English language can easily understand the law's requirements. ANSR offers and promotes free online vendor training so managers and clerks can comply and avoid license violations. A fact sheet promoting the free training is attached. The goal is compliance, not catching people doing wrong.

During many public hearings before this body tobacco vendors express their support for enforcement and express their displeasure with 'bad actors.' Base on this vendor's record, he is one of those bad actors. In 2015 Saint Paul passed an ordinance to deal with this type of situation. It has seldom been invoked, but this case is precisely the type of case that ordinance was developed to address.

<http://davethuneward2.blogspot.com/2015/05/tobacco-license-moratorium-passed-by.html>

That ordinance, affectionately referred to as the 'death penalty,' revokes the tobacco license at that location for 5 years.* The ordinance was passed under pressure from community members to deal with problem vendors, those who violated the tobacco ordinance plus had other issues such as violence and criminal behavior. There was a history of a store being 'sold' to family members to avoid advancing on a penalty matrix or license revocation. The revocation of licenses at the location addresses the problem

Saint Paul Police report that there have been dozens of police calls to this address and report that the store's impact on the surrounding neighborhood is negative.

The health of the community deserves to be protected from flagrant and willful repeat violators. We encourage you to impose an upward departure for this vendor.

Jeanne Weigum
ANSR President

*

https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITXXIXLI_CH324TO_S324.01LIRE

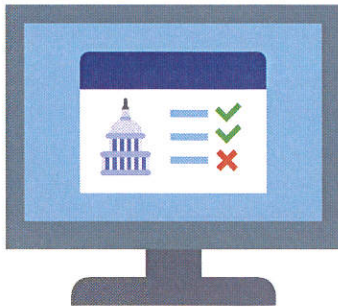


Stop Sales to Minors

stopsalestominors.org

Training for retailers to prevent tobacco sales to minors.

Minnesota Tobacco Retailer Training

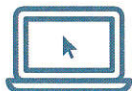


This training is designed to help tobacco retailers comply with Minnesota and federal laws about selling commercial tobacco, electronic delivery devices or e-cigarettes, and tobacco-related devices. Cities and counties across the State of Minnesota have additional laws about the sales of these devices that retailers are also required to comply with. This training focuses on federal and state laws for tobacco retailers.

Training Format

The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.

Section 1: Tobacco and Health & State and Federal Tobacco Laws



21 Minute Video



10 Question Quiz

Section 2: Compliance Checks and Penalties



8 Minute Video



5 Question Quiz

Section 3: Avoiding Illegal Sales



17 Minute Video



10 Question Quiz

Access this **FREE** training at www.stopsalestominors.org

This training was created originally in 2016 and updated in 2020 by the Association for Nonsmokers-Minnesota with assistance from the Public Health Law Center and the Minnesota Department of Human Services-Behavioral Health Division. Funding was provided by the Minnesota Department of Health Tobacco-Free Communities grant program.



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(August 2020)



St. Paul's New Menthol Sales Requirement

As of November 1, 2018, menthol, mint and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco.

General reminders about the sale of tobacco:

- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco product shops (a store where at least 90 percent of revenue comes from tobacco sales). Menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.
- Cigars must be sold for a minimum price of \$2.60 each plus sales tax. The minimum price of cigars is as follows:
 - Single cigar = \$2.60 + sales tax
 - 2 Pack = \$5.20 + sales tax
 - 3 Pack = \$7.80 + sales tax
 - 4 Pack or larger = \$10.40 + sales tax
- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless minors under the age of 18 years are prohibited from entering at all times.
- Penalties and adverse actions will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As of November 1, 2018, menthol, mint and wintergreen tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. This restriction includes all tobacco products such as cigarettes, cigars, blunt wraps, e-cigarettes and e-juice, smokeless tobacco products, and shisha. If a tobacco product has a taste or smell of menthol, mint, or wintergreen, these restrictions apply.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department:

651-266-8989 or **DSIComplaints@ci.stpaul.mn.us**

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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4th May 2015 Tobacco License Moratorium Passed by City Council

After Thune's work on this for many years, the Saint Paul City Council passed a 5 year moratorium on the issuance of a new tobacco license at any convenience store location where a tobacco license has been revoked. As a background, the City takes adverse actions against a tobacco retailers for violations of the tobacco retail laws, as well as any criminal laws. There is a four-step penalty matrix wherein the penalties for violations within one year steadily increase until revocation of the license is reached on the fourth step. The retailers are given four opportunities to run a clean business in the City. The effectiveness of this policy is evidenced by the fact that only 6 convenience stores have had their tobacco license revoked in the past 8 years; less than one per year out of a total of 267 currently active tobacco licenses. This works out to about 2% of all convenience stores.



[http://3.bp.blogspot.com/-zG5mJNCvf4Y/VUgayh4Y4II/AAAAAAAAABUE/oHzCz_85bAo/s1600/Tobacco%2Blicense%2Bmoratorium9.jpg]

Neighbors from three affected neighborhoods (West Side, Summit-U, and East Side) appeared at the public hearing to speak in favor of the tobacco license moratorium, or to silently support their neighbors who did speak. We also heard from one young man active in the Ramsey Tobacco Coalition, who provided a much-needed youth perspective on problem convenience stores, as well as from a building owner who had a problem convenience store in one of her buildings. No one appeared to speak against the ordinance.

The video below is the record of the City Council public hearing. The video lasts for a little over 27 minutes and includes the Councilmembers discussion following the neighbors' testimony.

Thank you to all the neighbors who worked on this with us for so long, and thank you to new neighbors who only heard about this ordinance recently. We greatly appreciate all of you.

The ordinance passed unanimously the following week, April 22nd. This wasn't that surprising since six City Councilmembers had signed on as co-authors of the measure to provide one more tool to neighborhoods who have been fighting this problem for years. Now it will be much easier to "quiet" a convenience store location at which criminal activity has been occurring.



[<http://3.bp.blogspot.com/-92bOK5pSKeM/VUgjl8S5noI/AAAAAAAAABUU/7TjcZljwyc/s1600>



Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

Information about the ordinance, menthol and flavored tobacco products

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|--|-----------------------------|-----------------------------------|---------------------------------|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ <u>NOT</u> ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ <u>NOT</u> ALLOWED | ✗ <u>NOT</u> ALLOWED |

Cigarettes

NOT ALLOWED



**Examples of menthol cigarettes:
 Newport, Marlboro menthol, Kool true menthol,
 and Camel Crush**

Menthol cigarettes can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops.

ALLOWED



**Examples of non-menthol cigarettes: Marlboro,
 American Spirit, Pall Mall, and Camel unflavored**

Cigarettes that are not flavored are allowed to be sold in all licensed tobacco vendors.

Cigars and Cigarillos

NOT ALLOWED



**Examples of flavored cigars and cigarillos:
Strawberry, Raspberry Cream, Mango, White
Grape, Wintergreen, Arctic Ice, and Grape**

Menthol, Mint, and Wintergreen flavored cigars and cigarillos can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored cigars and cigarillos can only be sold in adult-only tobacco product shops.

ALLOWED



**Examples of non-flavored cigars and cigarillos:
Garcia Vega, Swisher Diamonds, White Owl Silver,
and unflavored Black & Mild**

Cigarillos and cigars that are not flavored are allowed to be sold in all licensed tobacco vendors.

Smokeless Tobacco and Pouches

NOT ALLOWED



**Examples of flavored smokeless tobacco:
Wintergreen Grizzly, Cherry Skoal, Wintergreen
Camel, Camel Snus Winterchill, General Swedish
Snus Mint and Camel Snus Mint**

Menthol, Mint, and Wintergreen flavored smokeless tobacco can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored smokeless tobacco can only be sold in adult-only tobacco product shops.

ALLOWED



**Examples of non-flavored smokeless tobacco:
Copenhagen Snuff, Grizzly Premium Straight,
Skoal Classic Straight, and Camel Snus Robust**

Smokeless Tobacco that is not flavored is allowed to be sold in all licensed tobacco vendors.

E-cigarettes and E-juice

NOT ALLOWED



Examples of flavored e-cigarettes and e-juice:

Peach, Menthol, and Fruit Stripe e-juice; Cherry Crush blu, Cool Menthol NJOY, Menthol Vuse Vibe, Chai Vuse, and Sex on the Beach Starbuzz

Menthol, Mint, and Wintergreen flavored e-cigarettes and e-juice can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored e-cigarettes and e-juice can only be sold in adult-only tobacco product shops.

ALLOWED



Examples of non-flavored e-cigarettes and e-juice:

FIN Rich Tobacco, Rich Tobacco NJOY, Original Vuse VIBE, and Classic Tobacco blu

E-cigarettes and e-juice that are not flavored are allowed to be sold in all licensed tobacco vendors.

Tobacco and Hemp Cigar and Blunt Wraps

NOT ALLOWED



Examples of flavored wraps: Strawberry, Grape Ape, Blueberry Bomb and Mango/Pineapple hemp wraps, Watermelon, Chicken & Waffles, and Menthol wraps

Menthol, Mint, and Wintergreen flavored wraps can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored wraps can only be sold in adult-only tobacco product shops.

ALLOWED



Example of non-flavored wraps: Natural hemp wraps and Double Platinum Zer0 blunt wraps

Tobacco and hemp cigar and blunt wraps that are not flavored are allowed to be sold in all licensed tobacco vendors.

About

Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:

Limit the sale of tobacco products flavored with menthol, mint or wintergreen to adult-only tobacco product shops and liquor stores that are licensed to sell tobacco.

These changes take effect on November 1, 2018.

For more information, please contact DSI Licensing:
651-266-8989 or DSIComplaints@ci.stpaul.mn.us



CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
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Fax: 651-266-9124
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Frequently Asked Questions

What tobacco products are included in the flavor restriction?

All forms of tobacco are included in the flavor restriction: cigarettes, e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt and hemp wraps, shisha, and smokeless tobacco.

What “flavors” are restricted under this policy?

Any tobacco product that has a taste or smell other than plain tobacco is restricted under the ordinance. Menthol, mint, and wintergreen flavored tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Other flavored tobacco products can only be sold in adult-only tobacco product shops.

How does the ordinance define a flavored product?

Flavored product means any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the tobacco product, electronic delivery device, or nicotine or lobelia delivery product, including, but not limited to, any taste or smell relating to chocolate, cocoa, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product or device, that the product or device has or produces a taste or smell other than tobacco shall constitute presumptive evidence that the product or device is a flavored product.

Continued...

Frequently Asked Questions (continued)

What if I'm not sure if the product is flavored?

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.

What are the penalties?

The penalties for selling tobacco to people under the age of 18 years are:

First violation—\$200.00 fine

Second violation—\$400.00 fine

Third violation—\$800.00 fine and a 7-day suspension of the license

Fourth violation—Revocation of the tobacco license

All other license violations incur the following penalties:

First violation—\$500.00 fine

Second violation—\$1,000.00 fine

Third violation—\$2,000.00 fine and a 10-day suspension of the license

Fourth violation—Revocation of the tobacco license

What are other tobacco ordinance provisions I should remember?

1. Non-premium cigars, such as little cigars and cigarillos, must be priced at \$2.60 each plus sales tax, after coupons and discounts have been applied. A pack of four or more cigars must be sold for at least \$10.40 plus sales tax. The minimum price of cigars is as follows:

- 1 single cigar = \$2.60 + sales tax
- 2-pack = \$5.20 + sales tax
- 3-pack = \$7.80 + sales tax
- 4-pack or larger = \$10.40 + sales tax

2. Tobacco product shops are required to prohibit entry to people under 18 years of age.

3. Cigarettes should not be sold in packages fewer than 20.

4. No tobacco or tobacco-related devices should be sold from a vehicle or other movable place of business.

5. Tobacco should not be sold from a vending machine unless the facility does not permit those under 18 to enter at any time.

Who can I contact for more information?

For more information, please contact:

Inspector Barry Brown

Barry.Brown@ci.stpaul.mn.us

651-266-9143

License Manager Eric Hudak

Eric.Hudak@ci.stpaul.mn.us

651-266-9132



CITY OF SAINT PAUL
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Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

Information about the ordinance, flavored tobacco products and cigar pricing requirements

As of April 13, 2016, Saint Paul prohibits the sale of flavored tobacco products, except for menthol, mint or wintergreen products, in stores with a tobacco license where minors can enter such as gas stations, corner stores, and grocery stores. Tobacco products shops (shops which make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18) are exempted from the flavor restriction. Below are examples of flavored products that can only be sold in tobacco products shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors. Saint Paul also requires a minimum price for cigar products, which is described below.

NOT ALLOWED ❌

Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.

ALLOWED ✅

Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.

Cigars



Examples: "Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape", "White Grape" and "Wine" cigars and cigarillos

Explanation: "'Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape" and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor. These products are NOT allowed by ordinance.



Examples: Dutch Masters Palma, Swisher "Diamonds", White Owl "Black", and Black & Mild cigars and cigarillos

Explanation: tobacco products that are not flavored are allowed by ordinance.

NOT ALLOWED



Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.

ALLOWED



Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.

E-cigarettes and E-juice



Examples: EZ Cig "Licorice", blu "Cherry Crush" and Shisha Time "Blueberry" e-cigarettes; Haus by Mystic "Berry" e-liquid

Explanation: "Licorice" is a candy flavor and "Cherry Crush", "Blueberry" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.



Vuse "Menthol", NJOY and blu e-cigarettes; Hells Vapors "Menthol" e-liquid

Explanation: "Menthol" is a flavor allowed by ordinance; tobacco products that are not flavored are allowed by ordinance.

Smokeless Tobacco and Pouches



Examples: Skoal Pouches "Berry Blend" and Skoal "Berry"

Explanation: "Berry Blend" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.



Copenhagen "Wintergreen" and Camel Snus "Mint"

Explanation: "Wintergreen" and "Mint" are flavors allowed by ordinance.

NOT ALLOWED



Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.

ALLOWED



Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.

Shisha



Examples: Al Fakher "Pineapple", Starbuzz "Apple Martini" or Fantasia "Bubble Gum" shisha

Explanation: "Pineapple" is a fruit flavor, "Apple Martini" is an alcoholic beverage flavor and "Bubble Gum" is a candy flavor. These products are NOT allowed by ordinance.



Example: Al Fakher "Mint" shisha

Explanation: "Mint" is a flavor allowed by ordinance.

Cigar wraps/blunt wraps



Example: Hood Wraps "Da Bomb Blueberry" cigar wraps

Explanation: "Da Bomb Blueberry" is a fruit flavor. This product is NOT allowed by ordinance.



Example: Zig Zag "Straight Up" cigar wraps

Explanation: "Straight Up" is not a flavor. Products that are not flavored are allowed by ordinance.



About

Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:

1. Set a minimum price of \$2.60 per unit up to 4 units for cigar products after coupons and discounts have been applied. This means that all cigar products must be priced as follows:
 - 1 single cigar = at least \$2.60 + sales tax
 - 2-pack or "double" pack = at least \$5.20 + sales tax
 - 3-pack of cigars = at least \$7.80 + sales tax
 - 4 pack of cigars = at least \$10.40 + sales tax
 - Pack of 5 or more cigars = at least \$10.40 + sales tax
2. Limit the sale of flavored tobacco products (except for menthol, mint or wintergreen) to adult-only tobacco-only stores.
3. Require tobacco-only stores to prohibit entry to people under 18 years of age.

These changes take effect on April 13, 2016.

For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143.

Frequently Asked Questions

Which cigars must follow this pricing structure?

All cigar products such as little cigars and cigarillos must be priced at \$2.60 each plus sales tax. A pack of four or more cigars must be sold for at least \$10.40 plus sales tax.

What tobacco products are included in the flavor restriction?

All forms of tobacco are included in the flavor restriction: e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt wraps, shisha, and smokeless tobacco. The following is the ordinance language defining each of these products:

Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

Nicotine or lobelia delivery product means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

Tobacco or tobacco product means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to cigarettes, cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco.. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Tobacco-related devices means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Frequently Asked Questions (continued)

What “flavors” are restricted under this policy?

Any tobacco product that has a taste or smell other than plain tobacco, menthol, mint or wintergreen is restricted under the ordinance and can only be sold in tobacco-only shops.

How does the ordinance define a flavored product?

Flavored product means any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco, menthol, mint, or wintergreen, that is distinguishable by an ordinary consumer either prior to or during the consumption of the tobacco product, electronic delivery device, or nicotine or lobelia delivery product, including, but not limited to, any taste or smell relating to chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product or device, that the product or device has or produces a taste or smell other than tobacco, menthol, mint, or wintergreen, shall constitute presumptive evidence that the product or device is a flavored product.

What if I’m not sure if the product is flavored?

Tobacco products labeled with a flavor other than plain tobacco, menthol, mint, or wintergreen are considered “flavored” under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word “grape”. These products are still considered “flavored” under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored- the City recommends not selling the item. The City will also compile a list of example products; however, with new flavors and products continually entering the market, the list cannot be considered exhaustive. The burden is on the retailer to prove a product is not flavored- therefore we recommend not selling any products you are unsure about.

What if the product contains mint and another flavor, for example, *Mint Chocolate Chip*?

If the product contains multiple characterizing flavors, one being mint and another being a restricted flavor, then it is considered a flavored product that cannot be sold by regular tobacco vendors and can only be sold in tobacco-only shops.

When does this go into effect?

These changes go into effect April 13, 2016. Inspectors will begin checking and enforcing the ordinance after this date.

What are the penalties?

Violation of this ordinance will be treated the same as other tobacco license violations.

First violation—Two hundred dollar (\$200.00) fine.

Second violation—Four hundred dollar (\$400.00) fine.

Third violation—Eight hundred dollar (\$800.00) fine and a 7 day suspension of the license.

Fourth violation—Revocation of the tobacco license.

Who can I contact for more information?

For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143 Inspector Tom Ferrara at Tom.Ferrara@ci.stpaul.mn.us or 651-266-9087, or License Manager Eric Hudak at Eric.Hudak@ci.stpaul.mn.us or 651-266-9132.

General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor before they sell tobacco products.
- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco products shops (a store where at least 90 percent of revenue comes from tobacco sales).
- Beginning November 1, 2018, menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.
- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless people under 18 years old are prohibited from entering the store at all times.
- The sale of loosies, or single cigarettes, is prohibited.
- Penalties and adverse action will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As a reminder, cigars must be sold for a minimum of \$2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single cigar: \$2.60 + sales tax
- 2 Pack: \$5.20 + sales tax
- 3 Pack: \$7.80 + sales tax
- 4 Pack or larger: \$10.40 + sales tax

This requirement applies regardless of promotional offerings, such as buy one get one free. Please use this postcard as a guide for how to price cigars.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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SAINT PAUL'S CIGAR PRICING REQUIREMENT

As a reminder, if you sell cigars in Saint Paul, they must be sold at the following prices:



1 cigar for at least
\$2.60 +sales tax



A pack of
3 cigars for at least
\$7.80 +sales tax



A pack of
2 cigars for at least
\$5.20 +sales tax



A pack of 4 or more
cigars for at least
\$10.40 +sales tax