Sec. 324.07. Sales prohibited.

(a) No person shall sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes shall be sold in packages of fewer than twenty (20) cigarettes.

(b) No person shall sell or dispense cigarette paper or cigarette wrappers from a vending machine or a motor vehicle. No person shall sell or dispense tobacco from a motor vehicle.

(c) No person shall sell tobacco from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.

(d) No person shall offer for sale tobacco, cigarette papers, cigarette wrappers, or pipes for smoking in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco, cigarette papers, cigarette wrappers, or pipes for smoking where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

(e) Sale of tobacco and tobacco-related products to minors prohibited.

(1) Whoever sells or furnishes tobacco or tobacco-related devices to a person under the age of 18 years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five years of a previous conviction under this section or Minnesota Statutes sections 609.685 and 609.6855 is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(f) Exceptions.

(1) Notwithstanding section (e), individuals exempted under Minnesota Statutes section 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco-related devices while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(g) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13)