



CITY OF SAINT PAUL

DSI Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Inspector's Report

Inspectors Name: Joseph Voyda

Date: 25 April 2018

Business/Property Name: Tom and Joe's Market

Property Address: 684 Western Street North

Reason for Visit: Menthol Education and Price / Flavor Inspection

Observations: Cigar price issue 2 pack for \$2.60 Show BK product

Photos Taken: Yes, Location of Photo's Behind the counter

No

Action Taken: Citation

Warning

Other: _____

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival for Menthol Education / Inspection compliance checks, I introduced himself as DSI and spoke to the clerk Ali Ali. After the education / Inspection compliance check, I told Ali Ali, that he had to change the cigars to the correct price.



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Tobacco Compliance Education Form

20160002664
TOM & JOE'S MARKET
684, WESTERN N

For Office Use Only	
Compliance Check I.D.#	_____
Business I.D.#	_____
Pre Ordinance	_____
Post Ordinance	_____

Business Type:

- Convenience
 Convenience / Gas
 Gas
 Drug Store / Pharmacy
 Tobacco / Smoke Shop
 Supermarket / Grocery
 General Merchant
 Liquor Store / Bar Restaurant
 Other (private club, bowling, etc.)

Date: A / 25 / 18
Time: 1 : 46 a.m. / p.m.

MM DD YY

Inspector: JOE JOYDA

Reason no inspection was conducted:

- Does not sell tobacco
 Unsatisfactory/unsafe conditions
 Out of business
 After business hours
 Other _____

Cigar prices: Single Double Triple Quadruple

 \$ 2.64 \$ 5.20 \$ NA \$ NA

5 PACK
14.48

Educational packet was left at the business?
 Yes or No

Menthol, mint & wintergreen flavored products on premises?
 Yes or No

Flavored tobacco issues present during inspection?
Yes or No (if Yes, list below)

Were pictures taken of flavored items/issues?
 Yes or No

70% or more of windows covered or blocked.
Yes or No

Were picture of window violations taken?
Yes or No

Name of Owner or Clerk: CIGARS SOLD OUT OF PRICE DOUBLE 260

Notes / Issues: ALL ALL

FOR 1.97 99c

FOR 1.99 99c

SHOW V
BK
NATURAL LEAF
CIGAR

SHO
BK
NATURAL LEAF
CIGAR

BACKWOODS
ALL NATURAL
LEAF WRAPPER

BACKWOODS DOESN'T MAKE
PRETTY CIGARS. INSTEAD,
WE MAKE THE BEST
CIGARS WE CAN.

WE START WITH AGED
BROADLEAF WRAPPERS FOR
A NATURALLY SWEET
FLAVOR AND A DARK,
MADURO COLOR. THEN,
THAT'S WRAPPED AROUND
CAREFULLY SELECTED
TOBACCO LEAF KNOWN
FOR ITS MILD AROMA AND
SMOOTH TASTE. NO PAPER
WRAPPER MEANS THEY
TASTE LIKE REAL CIGARS.

2 FOR
99c

2 FOR
99c

NATURAL

SWEET

Like
BACKWOODS®
& Even Better!

Like
BACKWOODS®
& Even Better!

OR
ALL NATURAL

SURGEON G
Cigars Are P
To Cigarette

ON GENERAL
ING: Tobacco Use

PIPE TOBA
CIGARI

NO
11/20

© John Middleton, Inc. 1998 U.S. Pat. & TM Off.

Black &

SWEET
OMATIC

Double!!
PLATINUM



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Licensing
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February 23, 2016

Dear Cigarette/Tobacco License Holder,

Minnesota state law requires the City of St. Paul Department of Safety and Inspections (DSI) to conduct compliance checks on all establishments that sell tobacco products.

Compliance checks include the attempted purchase of tobacco products by a trained person under the age of eighteen (18) years old while a DSI Inspector remains nearby. If asked for proof of age, the underage person will provide the sales clerk their valid Minnesota state photo identification card. No other materials or information will be provided in attempt to further facilitate the sale. **Any clerk found selling tobacco products to an underage person will be issued a \$50.00 fine and the licensed establishment subject to applicable adverse licensing action.**

Compliance checks may also include inspection of the following (see enclosures for further details).

- Temporary signs posted on the establishment may not cover more than 30% of the window space between four (4) feet and seven (7) feet above grade and may not block views into the cashier area
- All electronic delivery device liquid (e-juice) must be sold in child-proof packaging
- Single cigars and/or cigars in original packages of three (3) or less must sell at a retail price of not less than \$2.60 per cigar before sales tax
- Cigars in original packages of four (4) or more must sell at a retail price of \$10.40 or greater before sales tax
- Effective April 13, 2016 the sale of all flavored tobacco-related products (except menthol, mint and wintergreen) will be restricted to tobacco products shops as defined in St. Paul legislative code 65.535. Sale of flavored products by establishments other than tobacco products shops, **regardless of manufacturer claim, packaging or description**, will result in adverse licensing action.

Please take the appropriate measures necessary to ensure you and your employees understand all federal, state and local laws and regulations regarding the sale of tobacco-related products. Questions regarding this letter may be directed to DSI Inspector Barry Brown at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Your cooperation in protecting and promoting public health and safety in the City of Saint Paul is much appreciated.

Eric Hudak
Licensing Manager

Enclosures (2)



City of Saint Paul
CIGAR PRICING REGULATION

Chapter 324 of the Saint Paul Legislative Code

Section 324.07 (e). Sales prohibited.

No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package.

Section 324.07 (f). Sales prohibited.

No person shall sell, offer for sale, or otherwise distribute any flavored products. This restriction shall not apply to retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time.

Cigar Pricing Examples

You may sell packages of three or less ONLY if they are priced as follows:

A single cigar must be sold in its original packaging for a minimum of \$2.60 before sales tax.

Two cigars in a package must retail for at least of \$5.20 before sales tax.

Three cigars in a package must retail for at least of \$7.80 before sales tax.

You may sell packages of four or more ONLY if they are priced as follows:

Four or more cigars in a package must retail for at least of \$10.40 before sales tax.



City of Saint Paul
E - JUICE PACKAGING REGULATION

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014)). Child-resistant packaging is required whether or not the e-juice contains nicotine. Retailers should be prepared to provide documentation of child-resistant packaging when requested by a DSI Licensing Inspector present at their site. This documentation, called a full protocol testing laboratory report, should be provided to you by your manufacturer or supplier.

The United States Consumer Products Safety Commission (CPSC) Guide to Child Resistant and Senior-Friendly Packages provides an overview of child-resistant packaging, the different types that are available, as well as a list of companies that manufacture and test child-resistant packaging (<http://www.cpsc.gov/en/Regulations-Laws--Standards/Statutes/Poison-Prevention-Packaging-Act/Child-Resistant-and-Senior-Friendly-Packages-packaging-guide/>).

Cigarette/Tobacco Licensees that fail to comply with this requirement will be subject adverse action.

2014 MINNESOTA STATUTE

461.20 Sale of Electronic Delivery Device; Packaging.

(a) For purposes of this section, "child-resistant packaging" is defined as set forth in Code of Federal Regulations, title 16, section 1700.15 (b)(1), as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

(b) The sale of any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and use in an electronic delivery device, as defined in section 609.685, subdivision 1, that is not contained in packaging that is child-resistant, is prohibited. All licensees under this chapter must ensure that any liquid intended for human consumption and use in an electronic delivery device is sold in child-resistant packaging.

(c) A licensee that fails to comply with this section is subject to administrative penalties under section 461.12, subdivision 2.

NOTE: This section, as added by Laws 2014, chapter 291, article 6, section 31, is effective January 1, 2015.



CITY OF SAINT PAUL
 DEPARTMENT OF SAFETY AND INSPECTIONS
 375 Jackson Street, Suite 220
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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 or "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.



CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

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 651-266-9087, 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.

SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium 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

General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: \$200 for a first violation; \$400 for a second violation; \$800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium 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 offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.

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

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

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CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

December 20, 2016

Dear Cigarette/Tobacco License Holder,

The Department of Safety and Inspections (DSI) is required to conduct annual inspections of all Cigarette/Tobacco licensed establishments in Saint Paul to ensure compliance with laws restricting tobacco sales to juveniles – people who are under 18 years old. These standardized inspections involve the attempted purchase of tobacco products by an inspector-trained juvenile and may be repeated throughout the year. Other compliance inspections, in addition to the age restriction inspection, may also take place to ensure compliance with all tobacco regulations.

Results of the 2016 inspections were very favorable as 93% of the establishments tested passed the initial inspection for sale of tobacco to juveniles. This result was an increase from 91% in 2015 and 90% in 2014. We appreciate the continued efforts of Saint Paul licensed tobacco vendors to prevent juvenile access to tobacco.

Please be reminded of the following regulations to ensure compliance and avoid adverse licensing action:

Cigar Pricing & Flavored Tobacco

- *Single cigars and/or cigars in original packages of three or less must sell at a retail price of not less than \$2.60 per cigar before sales tax and cigars in original packages of four or more must sell at a retail price of \$10.40 or greater before sales tax.*
- *The sale of all flavored tobacco-related products (except menthol, mint and wintergreen) is restricted to tobacco products shops as defined in St Paul legislative code 65.535.*

E-Juice Packing

- *MN State Statute § 461.20, requires child- resistant packaging of any liquid (e-juice) for use in an electronic delivery device (e-cig); effective 2014. (Vendors are strongly encouraged to work with their supplier to verify compliance with e-juice packaging requirements.)*

Moveable Place of Business

- *MN State Statute § 461.21, prohibits sales of tobacco, tobacco-related devices, or electronic delivery devices and nicotine or lobelia delivery products from a moveable place of business; effective 2014. (Vendors are prohibited from conducting sales outside of their licensed premises to include festivals and block parties.)*

The City of Saint Paul appreciates your continued cooperation in complying with all federal, state and local laws regulating tobacco and tobacco-related products. Questions regarding this letter may be directed to DSI Inspectors Barry Brown at 651-266-9143, Barry.Brown@ci.stpaul.mn.us or Thomas Ferrara at 651-266-9087, Tom.Ferrara@ci.stpaul.mn.us.

Respectfully,

Barry Brown
DSI Inspector 1