



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed Unsigned by Mayor

In control: City Council

Final action: 8/27/2014

Title: Amending Chapter 324 of the Saint Paul Legislative Code pertaining to single cigar packaging regulation.

Sponsors: Dai Thao

Indexes:

Code sections:

Attachments: 1. Single Cigar Packaging Regulation Purpose and Findings of Fact, 2. Kintopf support of tobacco ordinance, 3. Kottke letter supporting tobacco ordinance, 4. SPACC Letter on Single Item Cigar Sales, 5. Mills email supporting tobacco ordinance, 6. ASANDC Youth letter re tobacco ordinance, 7. Clearway Minnesota Letter re tobacco ordinance, 8. Magnesa email re tobacco ordinance, 9. TC Medical Society Letter supporting Ord #14-34, 10. American Cancer Society letter re tobacco ord, 11. Ramsey Tobacco Coalition postcards re single cigar sales, 12. MN Service Station and Convenience Store Assn letter re single cigar sales, 13. SuperAmerica letter opposing cigar ordinance, 14. MN Grocers Assn Letter of Opposition to Proposed Tobacco Ordinance No. 14-34, 15. McCormick letter opposing Ord 14-34, 16. MnRA letter re Ordinance 14-34, 17. MN Dept of Health letter, 18. National Association of Tobacco Outlets Letter, 19. 2012-Annual-Synar-Report, 20. FDA Tobacco Retail Inspections Contracts, 21. FDA St. Paul Retail Inspections (2012-2014), 22. Emails and Calls Against the Ordinance, 23. Abdelbasit email opposing cigar ordinance, 24. More Emails and Calls Against the Ordinance, 25. Ord 14-34 additional opposition, 26. Emails and Calls Against the Ordinance 3

Date	Ver.	Action By	Action	Result
8/29/2014	1	Mayor's Office	Returned Unsigned	
8/27/2014	1	City Council	Adopted	Pass
8/20/2014	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
8/13/2014	1	City Council	Laid Over to Third Reading/Public Hearing	
8/6/2014	1	City Council	Laid Over to Second Reading	

Amending Chapter 324 of the Saint Paul Legislative Code pertaining to single cigar packaging regulation.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:
SECTION 1

Chapter 324.03 of the Saint Paul Legislative Code is hereby amended to read as follows:
Sec. 324.03. Definitions.

The following words and phrases, as used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those cases where the context clearly indicates a different meaning:

- (1) *Cigarette paper* and *cigarette wrapper* means and includes any paper or other substance or materials, except tobacco, used as a wrapper or cover for a cigarette, as herein defined.
- (2) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.
- (3) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(4) *Tobacco* means any products 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 includes electronic cigarettes containing or delivering nicotine for the purposes of licensing and regulation under this chapter. 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.

(5) *Tobacco-related devices* means cigarette papers or pipes for smoking.

(6) *Tobacco vending machine* means a machine for vending tobacco by the insertion of a coin.

(7) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minnesota Statutes, section 297F.01, subdivision 3, as amended.

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SECTION 2

Chapter 324.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

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) No person shall sell, offer for sale, or distribute a single cigar unless the cigar is sold in an original package of at least five cigars, provided that:

(1) This restriction shall not apply to any sale, offer to sell, or distribution of a single cigar that has a retail price greater than \$2.10 before the addition of sales tax, or of any "premium cigar," as defined by Minn. Stat. § 297F.01 subd. 13a, including any amendments.

(2) Cigars to which price promotions or discounts apply shall not be excluded from this restriction.

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

SECTION 3

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.