



## Legislation Text

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**File #:** Ord 13-8, **Version:** 2

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Amending Chapter 324 of the Saint Paul Legislative Code pertaining to electronic cigarettes.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

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Section 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.

### SECTION 2

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

(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.

### SECTION 3

Section 324.09 of the Saint Paul Legislative Code is hereby amended to read as follows:

No person under the age of eighteen (18) years shall purchase tobacco or tobacco-related devices, as those terms are defined by Minnesota Statutes, Section 609.685, subdivisions 1(a) and 1(b), using a driver's license, a Minnesota identification card, or other form of identification which is false, fictitious, altered or counterfeited as to age or any other material fact of identification. Use of false identification to purchase tobacco or tobacco-related products is a misdemeanor.

### SECTION 3

Section 324.10 of the Saint Paul Legislative Code is hereby amended to read as follows:

No person under the age of eighteen (18) years shall purchase, use or possess tobacco or tobacco-related devices, as those terms are defined by Minnesota Statutes, Section 609.685, subdivisions 1(a) and 1(b). Possession of tobacco or tobacco-related devices by a minor is a petty misdemeanor.

### SECTION 5

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

