

1st Reading

5/15/2015

Referred to (name of) Committee

HE # CE

Public Hearing

6-8-2015

2nd Reading and Final Passage

7/10/2015

2015-Or-⁰⁵⁵
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

3

By Yang and Gordon

Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 281.15 of the above-entitled ordinance be amended to read as follows:

281.15. Definitions. As used in this chapter, the following terms shall mean:

Cigar means any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as that term is defined in Minn. Statute Section 297F.01.

Component part means any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.

Flavored tobacco product means any tobacco product or component part thereof that contains a constituent that imparts a characterizing flavor, unless it imparts only the taste or aroma of menthol, mint or wintergreen. As used in this definition, the term "characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product, including, but not limited to, tastes or aromas of chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, and any spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statements or claims, that a tobacco product has or produces a characterizing flavor shall establish that the tobacco product is a flavored tobacco product.

Self service merchandising means open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, or tobacco related devices, without the assistance or intervention of the licensee or licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco or tobacco related device between the customer and the licensee or employee.

Self service method means a method of sales of tobacco or tobacco related devices whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, or tobacco related device, and no physical exchange of the tobacco or tobacco related device occurs between the customer and the licensee, or an employee or agent of the licensee.

Tobacco means cigarettes and 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; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco 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 products 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, 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 but does not include cigarettes as defined in this section. 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, but includes~~ tobacco as defined in this section and any electronic delivery device as defined in Minn. Statute Section 609.685.

Tobacco products shop means a retail establishment with an entrance door opening directly to the outside that derives ~~more than~~ at least ninety (90) percent of its gross revenue from the sale of tobacco products, loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Tobacco related devices mean any tobacco product as well as a pipe, rolling papers or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, ingesting, absorbing, or smoking of tobacco or tobacco products.

Vending machine means a mechanical, electric or electronic device, regardless of locking mechanism which is used for the purposes of dispensing tobacco or tobacco related devices.

Section 2. That Section 281.45 of the above-entitled ordinance be amended to read as follows:

281.45. Method of Restrictions on sales of cigarettes tobacco products. (a) No person shall sell cigarettes in any manner other than by the package or multiples thereof to which a stamp has been affixed in accordance with Minnesota Statutes 297.03, Subd. 1.

(b) Self-service methods of sales and self service methods of merchandising tobacco, tobacco products or tobacco related products as defined in section 281.15 of this Code, shall be prohibited.

(c) Every person applying for a license to sell tobacco products at retail shall certify on the annual license application that the person has implemented a training program for employees regarding laws related to the sale of tobacco products and has trained all employees to comply with state and federal laws and/or regulations regarding the sale of tobacco products.

(d) Self service restrictions shall not apply to ~~retail tobacco products shops which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related products and which cannot be entered at any time by persons younger than eighteen (18) years of age. Any establishment wishing to apply for this exemption must provide an independent accountant's statement showing total sales for the previous year to the office of licenses and consumer services at renewal.~~

(e) No operator or employee of a tobacco products shop shall allow, permit or suffer any person younger than eighteen (18) years of age to enter or be present upon the licensed premises. It shall be the duty of the operator and operator's employees to identify and ascertain the age of any such person and to refuse admittance to any person younger than eighteen (18) years of age.

(f) No person shall sell, offer for sale, give away, barter, exchange, or otherwise deal in flavored tobacco products or samples of such products. This subsection does not apply to tobacco products shops or to a licensed tobacco dealer that otherwise meets the definition of and requirements applicable to a tobacco products shop except for the lack of an entrance door opening directly to the outside but which has an entrance door opening directly to the public area of a skyway, mall or other space that is not part of the premises of another business establishment. This subsection shall become effective January 1, 2016.

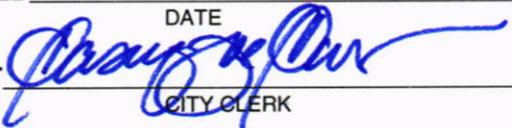
(g) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less 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. This subsection shall become effective January 1, 2016.

Certified as an official action of the City Council: 

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich	X						Glidden	X					
Gordon	X						Cano	X					
Frey	X						Bender	X					
B Johnson	X						Quincy	X					
Yang	X						A Johnson	X					
Warsame	X						Palmisano	X					
Goodman	X												

ADOPTED JUL 10 2015
DATE

APPROVED NOT APPROVED VETOED

ATTEST 
CITY CLERK

 JUL 15 2015
MAYOR HODGES DATE