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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Glidden**

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**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 281.10 of the above-entitled ordinance be amended to read as follows:

**281.10. License required.** No person shall, directly or indirectly or by means of any device, offer or expose for sale, sell, exchange, barter, dispose of or give away, or cause to be offered or exposed for sale, exchanged, bartered, disposed of or given away, any tobacco, tobacco products, or tobacco related devices at any place in the city without being licensed under this chapter. The sale of tobacco by vending machine shall require a license under this chapter. In the case of a vending machine, the license shall be held by the person or organization which has control and supervision of the premises.

Section 2. That Section 281.115 of the above-entitled ordinance be amended to read as follows:

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

*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, cigars, other smoking tobacco, snuff, chewing tobacco, or any other kind or form of tobacco prepared in such manner as to be suitable for chewing or smoking 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.

Tobacco products shop means a retail establishment with an entrance door opening directly to the outside that derives more than ninety (90) percent of its gross revenue from the sale of 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 3. That Section 281.45 of the above-entitled ordinance be amended to read as follows:

**281.45. Method of sales of cigarettes.** (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) Tobacco products sold by the carton may be sold by means of self service merchandising provided that tobacco products are in the immediate vicinity and plain view of a responsible employee and provided that cigarette cartons sold by means of self service merchandising shall be sold from display racks equipped with clear shields that allow the removal by an adult customer of a single carton of cigarettes and an audible alarm or chime which is reasonably loud enough to be heard by an employee at all times, and is activated each time a carton of cigarettes is removed from the self service display rack, or by similarly effective technology approved by the director of licenses and consumer services.~~

(~~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.

(~~c~~) Self service restrictions shall not apply to retail ~~stores~~ 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.

Section 4. That Section 281.50 of the above-entitled ordinance be amended to read as follows:

**281.50. Sales to minors.** No person within the city shall sell, give to, or in any way furnish any tobacco, tobacco products, or tobacco related devices to any person under eighteen (18) years of age.

Section 5. That Section 281.55 of the above-entitled ordinance be amended to read as follows:

**281.55. Distribution of free tobacco products restricted.** No person in the business of selling or promoting tobacco or agent or employee of any such person, shall distribute tobacco free to any person as provided in Minnesota Statutes, Section 325F.77(4).

Section 6. That Chapter 281 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 281.56 to read as follows:

**281.56. Sampling.** The lighting or smoking of tobacco in the indoor areas of a tobacco products shop or in any other indoor area in which smoking is prohibited pursuant to Minnesota Statutes, Chapter 144 or Chapter 234 of this Code by a customer, potential customer, or any other person for the specific purpose of sampling tobacco products shall not be permitted and is hereby prohibited pursuant to the authority granted to the City of Minneapolis by Minnesota Statutes, Section 144.417. A tobacco products shop may distribute single service samples of smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products suitable for smoking subject to the prohibitions on indoor sampling or smoking provided in this section.

Section 7. That Section 281.65 of the above-entitled ordinance be amended to read as follows:

**281.65. Presumptive penalty for licensee.** Penalties for those violations listed in section 281.60 and occurring within a consecutive two-year period will be presumed as follows:

- (a) First violation--Two hundred dollar (\$200.00) fine.
- (b) Second violation--Four hundred dollar (\$400.00) fine.
- (c) Third violation--Thirty-day suspension of license and ~~six~~ eight hundred dollar (~~\$600.00~~ \$800.00) fine.
- (d) Fourth violation--License revocation for a minimum of one (1) year and ~~eight hundred~~ one thousand six hundred dollar (~~\$800.00~~ \$1,600.00) fine.

For the purposes of this section, "consecutive two-year period" means a period, two (2) years in duration, which begins to toll on the date of the first

violation, and ends two (2) years from the date of the first violation. If no further violations occur within two (2) years following the first violation, any violations occurring after the expiration of the two-year period will not be cumulative with regards to the first violation.